

**GLOBAL GOVERNANCE IN  
PUBLIC SERVICES**

A thesis submitted in partial fulfilment  
of the requirements for the degree of

Doctor of Philosophy

University of Canterbury

2012

Approved by

Dr. John Hopkins

Programme Authorised  
to Offer Degree

28<sup>th</sup> May, 2012

# GLOBAL GOVERNANCE IN PUBLIC SERVICES

## ABSTRACT

by Camila Morsch

Chairperson of the Supervisory Committee:

Professor John Hopkins

Department of Law

This thesis provides an overall picture of global governance in public services (also referred to as global social governance). It maps global aspects of welfare change: governance mechanisms, social policies and service provision developed at the global level. As it maps the relocation of social services from national to global, the research discusses the consequences for traditional and new understandings of publicness. Publicness has been slow to make its way into global forms of social policy-making and service provision, even if social services have been historically considered public, and vital for the governing of social life. A new form of publicness, global publicness, therefore, rises as an alternative political frame for more effective governance frameworks to come forward. Developing global publicness, however, requires profound economic, legal, cultural and political changes. Because these changes will not happen overnight, a maturity approach is suggested, instead of a purely outcomes-based approach. In order to map global social governance and suggest a maturity approach, I draw from international law and materials, multi-disciplinary theory and three case studies. The case studies introduce and compare global social governance within the United Nations family, in global health and in the contested field of global education.

## TABLE OF CONTENTS

<b>GLOBAL GOVERNANCE IN PUBLIC SERVICES.....</b>	<b>i</b>
<b>ABSTRACT .....</b>	<b>i</b>
<b>Acknowledgments .....</b>	<b>x</b>
<b>List of Acronyms.....</b>	<b>xi</b>
<b>Introduction .....</b>	<b>1</b>
1. <i>Thesis Structure</i> .....	7
<b>Methods.....</b>	<b>13</b>
<b><i>Chapter 1: Governance, Publicness, and Public Services: Traditional and Global Perspectives</i></b> <b>.....</b>	<b>17</b>
<b>I Introduction .....</b>	<b>17</b>
<b>II Notions of Governance And Public Services .....</b>	<b>22</b>
2.1 <i>International Relations Perspective</i> .....	24
2.1.1 <i>Global Governance and globalisations</i> .....	31
2.2 <i>Public Administration Perspective</i> .....	32
2.3 <i>Global Ethics Perspectives on Governance</i> .....	38
<b>III Global Publicness .....</b>	<b>42</b>
3.1 <i>The State and Statist Publicness Vis-à-Vis Global Publicness</i> .....	47
3.2 <i>Global Actors and Their Environment</i> .....	48
<b>IV Linking Concepts: Global Publicness and Global Governance .....</b>	<b>60</b>

<b>V Global Publicness in Governance: Forces that Advance it or Reduce it .....</b>	<b>65</b>
5.1 <i>Multiples Forms of Globalisations</i> .....	67
5.2 <i>Glocalisation</i> .....	73
5.3 <i>Liberalisation of Services</i> .....	74
5.4 <i>International Development and “Good Governance”</i> .....	77
5.5 <i>International Human Rights</i> .....	79
5.6 <i>2005 and 2008 Economic Crises</i> .....	81
5.7 <i>Transnational Civil Society</i> .....	82
<b>VI Building Knowledge: Key Concepts.....</b>	<b>87</b>
<b><i>Chapter 2: Between Tradition and Innovation: The UN’s Role in Global Social Governance</i></b>	<b>90</b>
<b>I Introduction .....</b>	<b>90</b>
<b>II Categories to Guide Analyses.....</b>	<b>93</b>
<b>III Governing the Social: UN Policies and Practices in Public Services.....</b>	<b>95</b>
3.1 <i>The Public Administration Sphere: Technical Assistance as Traditional International Governance</i> .....	97
3.1.1 History of technical assistance: origins of public service governance from outside the State.....	98
3.1.2 Technical assistance today: mostly traditional vertical interventions.....	107
3.2 <i>Beyond Technical Assistance: Innovative Global Governance Mechanisms</i> .....	111
3.2.1 Global social policy making.....	111
3.2.1[a] Overview .....	111
3.2.1[b] Social integration as an example of meta-GSP .....	113
3.2.1[c] Universal pensions and the global jobs pact.....	118
3.2.1[d] Universal global social floor.....	119

3.2.2 Innovation in global service delivery .....	122
3.2.2[a] Contrasting the MDG Fund and the World Bank's PPIAF .....	126
3.2.3 Global publicness types of considerations: illustration in the context of the suggested universal social floor .....	132
<b>IV UN Exercising Social Leadership: Questioning Old Habits .....</b>	<b>137</b>
4.1 <i>Disjointed UN Interventions</i> .....	137
4.2 <i>Marginalisation of the General Assembly</i> .....	140
4.3 <i>Confusion about Autonomy and Capacity to Make-Decisions</i> .....	148
4.4 <i>Detachment of the Rights Discourse from a Global Public Service Provision Strategy</i> .....	150
4.5 <i>Overuse of the Development Frame</i> .....	159
<b>V Concluding Assessment of UN's Current Role in Global Governance in Public services ..</b>	<b>161</b>
<b><i>Chapter 3: Global Governance in Education: Mechanisms and Intrinsic Challenges</i> .....</b>	<b>165</b>
<b>I Introduction to Global Education Today: Prevalence of International Strategies .....</b>	<b>168</b>
1.1 <i>The United Nations Strategy in Education</i> .....	169
1.2 <i>The Group of Eight (G8)</i> .....	180
1.3 <i>The World Bank</i> .....	182
1.4 <i>The OECD</i> .....	185
1.5 <i>The Tuning Project</i> .....	188
1.6 <i>Policy Borrowing and Lending as Governance Strategy</i> .....	192
1.7 <i>The Global Campaign for Education</i> .....	194
<b>II Hindering Global Governance? Key Principles of the Field of Education .....</b>	<b>198</b>
2.1 Public education represents mass-schooling, and poor schooling is exclusively a national problem .....	200

2.2 The classroom as the most local education governance space .....	202
2.3 Education as a means to meet the demand for a qualified workforce .....	205
2.4 The right to education perceived as a right of the child .....	206
<b>III Dealing with Education's Key Principles.....</b>	<b>209</b>
3.1 Trusting in multiple publics to restore publicness in education .....	210
3.2 Exploring interconnectedness in education .....	212
<b>IV The Current State of Education as a Precarious Medium of Global Publicness .....</b>	<b>214</b>
<b><i>Chapter 4: An Emerging Global Public Sector: Global Health Leading the Way? .....</i></b>	<b>218</b>
<b>I Introduction to Global health.....</b>	<b>218</b>
<b>II Global Health Governance Institutional Framework .....</b>	<b>221</b>
2.1 World Health Organisation .....	224
2.2 Public Private Partnerships.....	228
2.2.1 Role of transnational NGOs and the public interest .....	235
2.2.2 Role of the commercial interest .....	241
2.2.3 Final considerations about nonstate actor participation in GHG .....	247
2.4 The Global Fund.....	250
<b>III Examples of GHG Policy .....</b>	<b>253</b>
3.1 The Millennium Goals and Global Health .....	253
3.2 GOARN and the Control of SARS.....	259
3.3 The HIV/AIDS Global Campaign .....	263
3.4 Global Initiative to Eradicate Polio.....	268
3.5 The Global Campaign to Stop TB .....	272
3.6 The Alma Ata Framework and Primary Health Care .....	279

<b>IV Facilitating Global Governance: Intrinsic Characteristics in the Field of Health .....</b>	<b>284</b>
4.1 <i>Consolidating GHG as an Academic Discipline .....</i>	284
4.1.1 GHG Conceptual Tools: High Level of Applicability .....	286
4.1.1.1 Global Burden of Disease (GBD) .....	286
4.1.1.2 Social Determinants of Health (SDH).....	289
4.1.1.3 Biological approach .....	292
4.1.1.4 Global Public Goods for Health (GPGH).....	293
4.1.1.5 “Framing” in GHG.....	298
4.2. <i>Emergence of GHG Ethics.....</i>	305
4.3 <i>Interconnectedness, Sense of Shared Fate and Securitism .....</i>	312
4.4 <i>Strategic Use of Securitism in GHG .....</i>	316
<b>V Global Health: Medium of Global Publicness and Successful Global Governance? .....</b>	<b>319</b>
<b><i>Chapter 5: Global Governance in Public Services: A Summary Assessment .....</i></b>	<b>322</b>
<b>I Function of the Chapter .....</b>	<b>322</b>
<b>II What do our case studies teach us about Global Governance in Public Services? .....</b>	<b>323</b>
2.1 <i>Political Meanings .....</i>	324
2.2 <i>Normative Meanings.....</i>	329
<b>III Who Does it? .....</b>	<b>334</b>
3.1 <i>Global Social Policies in the UN Context .....</i>	335
3.2 <i>Global Social Policies in Public Education .....</i>	336
3.3 <i>Global Social Policies in Global Health.....</i>	337
3.4 <i>Policies and Mechanisms: Achievements and Promises.....</i>	338
<b>IV How it Happens Today .....</b>	<b>344</b>

4.1 Many Hybrid Partnerships for Public Services .....	344
4.2 Rapid Development of Conceptual Tools.....	347
4.3 Practice under the Development Umbrella .....	352
4.4 Undefined Division of Labour and Jurisdiction .....	354
<b>V What's Wrong .....</b>	<b>357</b>
5.1 Main Challenge: Issues of Publicness.....	360
<b>Chapter 6: Improving Global Social Governance: Proposing a Maturity Approach .....</b>	<b>368</b>
<b>I Function of this Chapter .....</b>	<b>368</b>
<b>II Improving Global Social Governance: Proposing a Maturity Approach.....</b>	<b>370</b>
<b>III Why A Maturity Approach? .....</b>	<b>375</b>
<b>IV A Way Forward: Nurturing Elements of Maturity.....</b>	<b>380</b>
4.1 Identifying Elements of Maturity .....	384
4.1.1 Global Commonness .....	384
4.1.2 Grassroots Realpolitik .....	390
4.1.3 Embracing the Moral Argument .....	396
4.1.4 Global Interconnectedness .....	403
4.1.5 Global Intelligibility.....	410
<b>V Final Considerations.....</b>	<b>422</b>
<b>Bibliography .....</b>	<b>3</b>
<b>I Primary Sources .....</b>	<b>3</b>
1.1 International Law and Materials .....	3
1.2 Other Official Sources.....	5



<b>II Secondary Sources .....</b>	<b>8</b>
<i>2.1 Books, Essays in Books, Journal Articles and Discussion Papers .....</i>	<i>8</i>
<b>III Other Sources.....</b>	<b>21</b>
<i>3.1 Internet Materials.....</i>	<i>21</i>
<i>3.2 Lectures and Speeches .....</i>	<i>27</i>
<i>3.3 Miscellaneous .....</i>	<i>28</i>

## ACKNOWLEDGMENTS

The most challenging task of a PhD student is to resist peace by looking for stimulus in peers, mentors, project, and in a genuine, but rather elusive, desire to make a difference. I wish to thank those friends, family members, teachers, and colleagues who encouraged me to seek stimulus so much, that when it came, I almost felt it a positive disturbance, a shake of the earth, and wished rather it had come earlier and would never leave me.<sup>1</sup> In particular, I would like to thank special New Zealanders, who made this journey easier and exciting. They are my supervisor Dr. John Hopkins, friends Colleen and Brett Naylor and their big family, Netta and Lachie Cameron and their children, Professor Liz Tommey and her husband Michael, and gal-pals: Josie Toop, Jess Bullock, and Daniele Ross. In addition, I thank dear South American friends, who share a Kiwi heart: Mariana Esteves, Maurício Arias, Raíssa Galvão, Frederico Pedroso e Aline Lang.

From outside of New Zealand, many others supported me; special thanks go to my husband Fernando Kunzler, my parents, sisters and brother-in-law; and also to my former mentors, scholars Kimberlé Crenshaw and Luke Charles Harris, who generously gave me new lens through which to see the world. Finally, I would like to thank the University of Canterbury law school administrator Fiona Saunders and Law and Central library staff, who were very helpful from start to finish.

---

<sup>1</sup>This is an adaptation of the following quote: “I liked the peace so well, and sought stimulus so little, that when the latter came I almost felt it a disturbance, and wished rather it had still held aloof.” Original text written by Charlotte Brontë. *C Brontë Villette* (J.M. Dent and Sons, London, 1922).

## LIST OF ACRONYMS

**ACC.** Administrative Coordination Committee (UN)

**ACT.** Artemisinin-Based Combination Therapy

**ART.** Academic Research and Training

**CEB.** Chief Executives Board for Coordination (UN)

**CEPA.** Committee of Experts in Public Administration (UN)

**CERI.** Center for Research and Innovation

**CRC.** Convention on the Rights of the Child

**CRT.** Critical Race Theory

**CFC.** Chlorofluorocarbon

**CSDH.** Commission on the Social Determinants of Health (WHO)

**DAP.** Action Programme on Essential Drugs

**DPADM.** Division of Public Administration and Development Management

**DOTS.** Directly Observed Treatment with Short-course Chemotherapy

**ECOSOC.** Economic and Social Council

**EIDs.** Emerging and Reemerging Infectious Diseases

**EFA.** Education For All

**EHEA.** European Higher Education Area

**EM.** Essential Medicines

**EPTA.** Expanded Programme of Technical Assistance

**ESR.** Economic and Social Rights

**EU.** European Union

**FAO.** Food and Agriculture Organisation.

**FBO.** Faith-Based Organisation

**FCTC.** Framework Convention on Tobacco Control

**FTI.** Fast Track Initiative

**GA.** General Assembly

**GAL.** Global Administrative Law

**GAVI.** Global Alliance for  
Vaccination and Immunization

**GBD.** Global Burden of Disease

**GCE.** Global Campaign for  
Education

**GDF.** Global Drugs Facility

**GDP.** Gross Domestic Product

**GGC.** Global Governance  
Commission

**GHG.** Global Health Governance

**GLC.** Green Light Committee

**GNI.** Gross National Happiness  
Index

**GOARN.** Global Outbreak and  
Alert Response Network

**GPEI.** Global Polio Eradication  
Initiative

**GPG.** Global Public Goods.

**GPGH.** Global Public Goods for  
Health.

**GSP.** Global Social Policy

**HDI.** Human Development Index

**HPI.** Happy Planet Index

**HFA.** Health For All

**HIV/AIDS.** Human  
Immunodeficiency Virus/Acquired  
Immunodeficiency Syndrome

**ICESCR.** International Covenant  
on Economic, Social and Cultural  
Rights

**IFI.** International Financing  
Institutions

**IGO.** International Governmental  
Organisation

**IHR.** International Health  
Regulations

**ILO.** International Labour  
Organisation

**IMF.** International Monetary Fund

**IO.** International Organisation

**IR.** International Relations

**ISCT.** International Standards for  
Tuberculosis Care

**ITGA.** International Tobacco  
Growers Association

**MD.** Millennium Declaration

**MDG.** Millennium Development  
Goal

**MDG-F.** Millennium Development Goals Achievement Fund

**MDR-TB.** Multi-Drug Resistance Tuberculosis

**MSF.** Médecins Sans Frontières/Doctors Without Borders

**NGO.** Non-Governmental Organisation

**NPM.** New Public Management

**OECD.** Organisation for Economic and Co-Operation and Development

**PHC.** Primary Health Care

**PIRLS.** Progress in International Reading Literacy Study

**PISA.** Programme for International Student Assessment

**PMNCH.** Partnership for Maternal, Newborn and Child Health

**PPIAF.** Infrastructure Advisory Facility

**PPM.** Public Private Mix

**PPP.** Public Private Partnership

**PPPH.** Public Private Partnerships for Health

**SARS.** Severe Acute Respiratory Syndrome

**SC.** Security Council

**SDH.** Social Determinants of Health

**TAC.** Technical Assistance Committee (UN)

**TB.** Tuberculosis

**TCNs.** Transnational Corporations

**TIMMS.** Trends in International and Mathematics Science Study

**TRIPS.** Treaty on Intellectual Property Rights

**UN.** United Nations

**UNAIDS.** Joint United Nations Programme on HIV/AIDS

**UNDAF.** United Nations Development Assistance Framework

**UNDESA.** United Nations Department of Economic and Social Affairs

**UNDG.** United Nations Development Group

**UNDP.** United Nations Development Programme

**UNEG.** United Nations Evaluation Group

**UNESCO.** United Nations Educational Scientific and Cultural Organisation

**UN ESCOR.** United Nations Economic and Social Council Official Records

**UNICEF.** United Nations Children's Fund

**UNITAR.** United Nations Institute for Training and Research

**UN-HABITAT.** The UN Agency for Human Settlements

**UNPAN.** UN Public Administration Network

**UNRISD.** United Nations Research Institute for Social Development

**UN SCOR.** United Nations Security Council Official Records

**WB.** World Bank

**WEF.** World Economic Forum

**WFP.** World Food Programme

**WFA.** Work For All

**WHA.** World Health Assembly

**WHO.** World Health Organisation

**WMO.** World Meteorological Organisation

**WTO.** World Trade Organisation

## INTRODUCTION

This thesis brings forward two main arguments: that the global level has been increasingly used to design and provide public services in a range of policy-fields, from education to health, from food distribution to popular housing; and that this reality demands new considerations of publicness that have not been adequately made.<sup>1</sup>

New considerations of publicness refer to the content of publicness within governance and not government and requires at this point in time, I argue, a change of consciousness, which, in turn, requires society to engage in an exercise of developing “maturity for governance”. The concept and the elements of maturity are constructed in chapter 6. They represent a creative, rather than a proposal for the adoption of a specific framework or outcome-focused approach to more effectively developing global governance in the future.

The traditional literature on governance is concerned with nonstate actors performing “the kind of jobs governments used to do” by relying on “transnational social norms” rather than exclusively on laws and regulations.<sup>2</sup> Similarly, this thesis is concerned with public services that have been developed supranationally by hybrid partnerships, within a framework of

---

<sup>1</sup>For more on global publicness considerations, see Chapter 1 below. See also Craig Calhoun “Rethinking the Public Sphere” (lecture to the Ford Foundation, New York, 2005).

<sup>2</sup> Amitai Etzioni *From Empire to Community: A New Approach to International Relations* (Palgrave Macmillan, New York, 2004).

global governance, and not of government.<sup>3</sup> More specifically, this thesis is concerned with transnational partnerships and international organisations making important decisions about the wellbeing of peoples and about public services. These decisions include: the Organisation for Economic Co-Operation and Development (OECD) assessing students' competencies in more than 70 countries; the Global Fund to Fight Aids, Tuberculosis and Malaria financing the great majority of drugs to control malaria and tuberculosis; the UN Department of Social and Economic Affairs (UNDESA) debating the establishment of universal pensions to assist the world elderly population.<sup>4</sup> This thesis is also concerned with the increasing number of initiatives similar to these. The main arguments of this thesis are not against these initiatives, but they suggest that initiatives to provide social services continue to be public, even if more and more of them are now provided supranationally. It is also suggested that a better, values-based political context is urgently needed to effectively host these initiatives. In this fashion, the governance literature does not sufficiently explore issues of publicness

---

<sup>3</sup> Two main scholars studying governance without government are James Rosenau and Rod Rhodes. The first writes mainly from an international relations and normative perspective. The second prefers to assess governance practices at the domestic level. I drew heavily upon their work, and discussions of their work, to write this thesis. Their seminal writings include: JN Rosenau "Governance, Order, and Change in World Politics" in James N. Rosenau and EO Czempiel (eds) *Governance without Government: Order and Change in World Politics* (Cambridge University, Cambridge, 1992) ["Governance Without Government"]; and RAW Rhodes "The New Governance: Governing without Government" (1996) XLIV Political Studies 652.

<sup>4</sup> For an account of how global actors, including transnational NGOs, private service organisations, and International Government Organisations (IGOs), provide worldwide immunization see the example of the Global Polio Eradication Campaign (GPEI) "Polio and Prevention" (2010) Global Polio Eradication Initiative <<http://www.polioeradication.org>>. For an account of how the OECD joins private corporations and national governments to evaluate the reading, math and science competencies of 15-year old pupils across 76 countries, see "OECD Programme for International Student Assessment (PISA)" (2011) OECD <<http://www.pisa.oecd.org>>.



within supranational partnerships that end up, in fact, designing and providing public services. This thesis begins to fill this gap.

Besides mapping initiatives that illustrate the relocation of public services from the government to the global level – represented by hybrid alliances and transnational partnerships – this thesis is concerned with what happens to publicness once public services are relocated. Publicness is especially important when global governance is used to design and deliver welfare services that have been for decades considered public, staple welfare State services. Some aspects of public services have been relocated based on decision-making made by hybrid alliances or because delivery has been increasingly executed by a range of actors, from international organisations to local faith-based organisations. Even if some of these services are now used to address global social challenges that otherwise would remain unattended, these services still require a broader discussion about their publicness and about the public roles that new enablers and providers have played.

The field of public health provides clear examples of services that have been historically public, considered a governmental job, and that are now being designed and or delivered supranationally. Health services related to the control of communicable diseases, such as mass vaccination to eradicate polio, distribution of drugs to control Tuberculosis and the spread of HIV/Aids are also part of this new way of working. There are other public health services, which are not related to communicable diseases, which have been addressed through global governance, especially after the Millennium Development Goals (MDGs). Examples range from the provision of pre-natal care to food

distribution and cash transfers to purchase adequate nutrition and essential medicines.<sup>5</sup>

But not all policy-fields provide as many and as solid examples of global governance in public services. Education services, for instance, have been provided supranationally, but generally within a frame of international governance and development, relying heavily upon inter-state organisations and funding deriving from international aid. These services have spread worldwide, but have fallen short of including nonstate actors, especially at the local level, to give input and help in delivery.

The contrast between global health and global education demonstrates that policy-fields do not deal with relocation of services the same way; and not all policy-fields will be able to enhance publicness in global social policy the same way. Many agencies have already understood that global social policy organises around policy-fields. For instance, the G8, the UN, and the OECD: they all engage with global governance in more than one policy-field. They exercise governance roles in areas as diverse as education, health, housing and food provision. Many agencies of the UN have engaged with a range of policy-fields and services simultaneously, like education and health, especially after the Millennium Development Goals (MDGs). After the MDGs, the UN has engaged more bluntly and more frequently with public services. Therefore, the way the UN engages with public services provides good insight about who are the actors engaging with global social governance.

---

<sup>5</sup> Specific services like pre-natal care, food distribution and vouchers are discussed in Chapters 2 and 5 in the context of services provided by the Partnership for Maternal, Newborn and Child Health and by the World Food Programme.

The UN and other international and transnational actors begun to make important welfare decisions that actually refer to global social challenges, which are those that concern all of us and that no organisation alone can address. As such, global governance has been chosen as the right administrative methodology to address these challenges. Yet the use of global governance in public services, understood as the formation and functioning of hybrid alliances to achieve specific social goals, has virtually ignored the public component of public services and also the public nature of making social policy and delivering public services.

The nature of public services when provided as global services to address global social challenges continues to be public. Yet publicness changes, since it loses the nation-state as centre of authority. Publicness changes as it develops within governance and, as a result, as public services are designed and provided by different forms of organisations.

A concern with *publicness without government and within governance* considers how supranational forms of organisation can reclaim social ownership and be vested with political and legal responsibility for their engagement in global governance acts. Once transnational actors start performing social jobs, publicness without government becomes very important. Thus the study of *Global Governance in Public Services* wants to highlight two great challenges that, arguably, is upon society in the 21st century. Firstly, the need to recognise that social jobs are no longer under the domain of governments. Secondly, the need to face the contemporary challenge of effectively relocating aspects of publicness from government to

global governance.<sup>6</sup> Consequently, this thesis provides a map of global governance in public services (what is happening with welfare services as objects of international and global social policy). It also provides a critique concerning the overall lack of publicness considerations in global governance. Finally, the thesis suggests that enhancing much-needed publicness in global social governance acts is a grand, overwhelming task. For instance, a movement towards reframing publicness in a non-exclusive statist way requires the conjecture of political, economic, and social transformations, similar to those that enabled the statist discourse to flourish in the beginning of the 20th century.<sup>7</sup> Therefore, an outcomes-approach to constructing publicness will likely fail; instead, constructing publicness to build a better context for global social governance to take place requires a *maturity approach*.<sup>8</sup> A maturity approach recognises the long-term processes, the fundamental debates that are yet to take place to promote and consolidate *publicness in global governance*.

I suggest that the advanced use of global governance to design and provide staple public services, like provision of popular housing, distribution of food

---

<sup>6</sup> The choice for the title *Global Governance in Public Services*, instead of the more-consolidated term *global social governance* aims at highlighting the need to better understand and revitalise the meaning of publicness, by using the global level. Throughout the thesis, nevertheless, I use the two terms interchangeably, even if conscious that global social governance is a broader endeavour.

<sup>7</sup> Richard Falk “Reimagining the Governance of Globalisation” (2003) The Transnational Foundation for Peace and Future Research <[http://www.transnational.org/SAJT/forum/meet/2003/Falk\\_GlobalisationImagine.html](http://www.transnational.org/SAJT/forum/meet/2003/Falk_GlobalisationImagine.html)> [“Reimagining Governance”].

<sup>8</sup> Bob Deacon, one of the founders of the field of Global Social Policy (GSP), has recently employed the term *global social governance*. From Bob Deacon’s theorising, it is possible to infer that it is adequate to use the term interchangeably with global governance in public services. See generally Bob Deacon “Shifting the Global Social Policy Discourse: The Impact of the Global Economic Crisis on Ideas about Social Protection, Social Development Policy and Global Social Governance” (paper presented to United Nations Research Institute for Social Development, Geneva, 12 November 2008).

vouchers, and distribution of essential medicines, makes the pursuit of publicness in global governance necessary. Hurrying to create more new mechanisms and policies will likely not promote publicness in global social governance. Hurrying to start developing a better political context for these mechanisms and policies to operate, which I see as an exercise to develop maturity might eventually pay off, making global social governance more effective on the ground.

### *1. Thesis Structure*

In short, this thesis starts with theoretical background about global governance and publicness, drawing the most relevant relationships between the two concepts (Chapter 1). Then, it engages with mapping global governance in public services through the use of three-case studies (Chapter 2, Chapter 3 and Chapter 4). Next, the thesis provides an assessment of the current state of global social governance (Chapter 5). Lastly, based on the evidence gathered through the revision of specialised literature, I suggest a new approach to go about improving global social governance (Chapter 6). This approach aims at enhancing global publicness, strengthening the global public domain as the ideal context in which global social governance should be embedded, and, as a result, promoting more effective frameworks. As this approach recognises the long-term processes involved in building publicness at the global level, it is called a maturity approach.

Each chapter has been designed with two overarching purposes in mind:

- to guide the reader through a map, an overall picture of the transnational aspects of welfare change in the last twenty years;

- and to demonstrate how effectiveness in global governance in public services seems to be linked with the capacity to revitalise publicness by reframing its political and legal meaning, via the global level. Virtually all critiques of global governance in public services today boil down to issues of lack of publicness, although they are not articulated as such.

The mapping (which includes the case-studies), the analysis of current state of global social governance, and the suggestion of a new approach, required multi-disciplinary research and deep thinking about how to structure the thesis, and the rather complex arguments that follow. I opted for a simple structure that follows this sequence: theoretical background; case-studies; analysis of current state of global governance in public services; locating its main challenge, which boils down to issues of publicness; and, then, suggesting a new approach to construct more publicness.

Specifically, Chapter 1 analyses theories of governance and global governance ethics clarifying key concepts and drawing relationships between global governance and global publicness. The first chapter differentiates global governance from international governance and domestic governance, arguing that global governance in the social realm should be the most public of them all. For instance, in Chapter 1, I take advantage of an emerging philosophy of global governance and critical legal theories to reinforce the idea that there is an original public ethics behind the theory of global governance.<sup>9</sup> Realising

---

<sup>9</sup> For more on the emergence of a global governance philosophy see generally Jean-Francois Thibault "As if the World Were a Virtual Global Polity: The Political Philosophy of Global Governance" (2001) The Global Site < <http://www.theglobalsite.ac.uk/press/108thibault.htm>>.

this global public ethics in the actual provision of public services is not an easy task. Yet it is paramount to realising the potential of the global level to effectively exercise functions, such as the provision of health care, whose public character has been defended by advocates around the world.

Chapter 2 provides a case-study of global governance in public services in the UN family of institutions. It analyses the desired and actual role of the United Nations in exercising social governance leadership, especially after the Millennium Declaration and the launching of the Millennium Development Goals. In sum, Chapter 2 sketches an overview of public service governance at the UN. I anticipate that Chapter 2 configures a valid case-study, despite being different from the cases that deal with policy-fields, Chapters 3 and 4. It is valid because it illustrates how international institutions are organising themselves to design and provide a range of public services. In fact, Chapters 2,3 and 4 together represent the two-ways in which, arguably, global social governance has manifested itself: 1- through international institutions; 2- through policy-fields. By using Chapter 2 as one example of how institutions go about global governance in public services, the first part of the structural framework is illustrated.

Chapters 3 and 4 represent experiences of governance (global, international and national) embodied in traditional policy-fields, rather than inside of a given international institution. Chapters 3 and 4 explore sectors in which the UN, other international actors, and non state actors have been very active. These chapters are context-specific; they deal with global education and global health.

Specifically, Chapter 3 is a picture of the main themes surrounding education governance in the 21st century. It ponders that education has been a contested

terrain when discussed outside of the realm of national provision. Chapter 3 suggests that education has less possibility to transform itself into a sector that is legitimated as part of the global public sector than health; it seems that publicness in education is still very much attached to a traditional, statist understanding. I argue that the very nature of education services, ingrained in and mediated by local cultures, depends upon the national apparatus for legitimation and effectiveness. This is not necessarily a bad thing. At the same time, one needs to critically understand that supranational mechanisms are being created in education without a preoccupation for publicness, which is assumed to be always situated at the national level, when it comes to public education. Education scholars have overlooked the global level as an avenue to revitalise publicness in education services. Finally, Chapter 3 offers a critique of this reluctant position.

In contrast, Chapter 4, on global health, offers a more promising view of the health sector as a fitting environment for global governance mechanisms to develop effectively. The analysis of mechanisms of Global Health Governance (GHG), such as the Global Fund to Fight Malaria, Tuberculosis, and HIV/AIDS, and also of the well-established academic discipline of GHG, demonstrates that in the context of public health there is a larger potential for global governance to realise its theoretical promise.

The contrast between education and health provides an useful sketch of the conditions that either facilitate or impair global social governance. These conditions are further explored in Chapter 5. Chapter 5 also draws from the experiences at the UN level to complement the analysis about current practices, trends and challenges in public service governance.



Based on the evidence provided and summarised in Chapter 5, I argue that, in the welfare context, there are very few examples of global governance mechanisms with potential to be socially effective. The lack of effectiveness is associated with lack of publicness in governance. Departing from this observation, in Chapter 6, I engage with theory building to suggest that constructing global publicness starts from constructing a stronger context for it to develop. This context refers to a better-understood, more politically open and ethically-driven global public domain. The global public domain as the ideal context for global publicness and effective global social governance to develop will not materialise overnight. The global public domain will have to be nurtured and matured.

In Chapter 6, I develop the elements of the concept of “maturity for global governance,” an analytical tool that aims at advancing the study and practice of elements that are considered conditions of effectiveness to global social governance. Finally, I conclude by arguing that encouraging the study and the realisation of these elements, as part of a quest for maturity for global governance, assists in the construction of more global publicness. This vision should facilitate an assessment of which and how global public services should be developed. It may advance global governance as the methodology capable of revitalising some aspects of public service provision, and hence better address world social challenges, especially those related to world inequality. Yet today the use of global governance, which inevitably transforms public services, has frequently worked to the detriment of the public infra-structure.

The elements to enhance maturity for global governance identified in the context of this thesis’s case studies are not intended to form an exhaustive list.

Instead, they are designed to call attention to conditions of effectiveness to global social governance, which relate to the make-up of the global public domain as the ideal context for global governance to take place. These elements represent points of departure to guide further research about the democratic and operational challenges that emerge with the use of global governance in public services. For instance, along with a large-scale migration of public services from the national to the global sphere, further research, public education, and policy debates are needed to identify and nurture global publicness. In fact, further debating global constitutive themes is part of the search for maturity in itself, and it is a sign that this process has already started.

## METHODS

In terms of a general research paradigm, this is a multi-disciplinary, qualitative study.

From a theoretical perspective, I used governance theory and an emerging ethics of global governance, which is informed by global justice theory (especially the work of contemporary philosophers such as Richard Falk, Thomas Pogge and Amartya Sen). I also used critical legal realism and Critical Race Theory (CRT), as well as socio-political constructivism (largely based on the work of John G. Ruggie,) offering an innovative mix.

From a data perspective, I conducted both documental and specialised-literature research in respect of the UN family, global health and global education, since these areas functioned as my case studies. For the purposes of Chapter 2, my first case study, I analysed official United Nations documents. For Chapter 3 and Chapter 4, I looked at reports, policy papers, and regulations of international organisations, such as the World Health Organisation. I also read published studies conducted by health and education scholars. Finally, I reviewed theoretical treatises in the areas mentioned above and conducted detailed analyses of concepts such as *global public domain* and *global publicness* as well as their relationship to an increasing use of global governance in public services.

In terms of research scope, while in the last thirty years, analysis of governance has been either actor-centred (concentrating on actors and their activities) or focussed on policy-field, this analysis used both. It took a combined approach by considering the global arena a common, public space

for policy-making and delivery that can be shared by a range of important actors working in the context of specific policy-fields.<sup>10</sup> As such, this project is able to fit within more than one disciplinary context.

For instance, from a traditional legal methodology perspective this study would generally fit within Terry Hutchinson's "additional legal research frameworks" (which do not fall within the 'norm' of doctrinal legal research).<sup>11</sup> Within the frameworks Hutchinson enumerates, this is a theoretical study because it uses both jurisprudential and critical methods.<sup>12</sup>

From a legal-realist methodology, on the other hand, this thesis fits well with the main inquiries about public law. Not only it informs one of the most traditional debates in legal scholarship, that is the public and private divide, but it deals with the *officials of the 21st century* and their activities.<sup>13</sup> These officials are transforming the framework of the nation-state, the main concern of traditional public law research.

Besides the disciplines mentioned above, this research also fits within the political sciences because of its focus on governance from an international relations perspective and focus on the UN. The research also carries methods of the social sciences in order to establish sectoral analyses of health governance and education governance, which function as case-studies. In other words, as it follows a theoretical tradition, this research is "philosophical in its

---

<sup>10</sup> AJ Jakobi *International Organisations and Lifelong Learning: From Global Agendas to Policy Diffusion* (Palgrave Macmillan, New York, 2009) at 17.

<sup>11</sup> Terry C. M. Hutchinson *Researching and Writing in Law* (N.S.W. Lawbook, Sydney, 2002) at 43.

<sup>12</sup> Ibid, at 52-53.

<sup>13</sup> This term paraphrases the reference made by Karl Llewellyn to the *officials of the law in the 20th century*. Karl N Llewellyn *The Bramble Bush: On Our Law and Its Duty* (Oceana Publications, New York, 1951) at 21.

basis ... and extend[s] to interdisciplinary methodologies ...” when applied to examining governance in action (mapping).

By drawing from this multi-disciplinary pool of resources, this thesis sheds light onto inter-disciplinary questions about how global publicness is important for global governance, especially once global governance has been increasingly used to design and provide social services that have been historically considered public. In fact, mapping this increasing use is a primary objective of this thesis. Yet the mapping exercise is accompanied by a normative analysis as well.

The following empirical and normative questions guided the research process:

- Is global governance in public services a reality? How does it happen?
- Should this type of governance always be considered a public endeavour? What type of public? And what are the implications of a new public type of classification?
- What may be the possible relationships between the enhancement of global publicness and the effectiveness of global social governance?
- What are the elements of global publicness? From which disciplinary and theoretical contexts can one build a more accurate description of the global public domain, arguably, the context in which global governance should be embedded?
- Can one (already) spot these global public elements in the practice of global governance? Does the presence of these global public elements promote effective global governance?

- Are the current global social governance mechanisms adequate to perform the public functions they end up performing (especially those mechanisms that transform the design and provision of public services)?

With these broader questions in mind, I also explore the following, more narrow questions about global governance actors and their activities:

- What types of initiatives (actual activities and projects) undertaken by *officials of the 21st century* influence the design or provision of public services?
- Are they public or private initiatives? Should they be considered public or private initiatives?

And, acknowledging the limitations of a thesis of this nature and of such broadness, I finalise the project by thinking about whether world's society is ready to embrace global publicness as a necessary condition of effectiveness in global social governance. Within these considerations, I suggest how a process of getting-ready to embrace a reconstituted public domain can be transformed into an exercise, in which we, as a society, may achieve maturity for enjoying the benefits of global publicness and, consequently, of more effective global governance. In this regard, the thesis deliberately strays away from an insitutionalist approach, acquiring a creative, theoretical quality.

*Chapter 1: GOVERNANCE, PUBLICNESS, AND PUBLIC SERVICES:  
TRADITIONAL AND GLOBAL PERSPECTIVES*

*...Cowardice asks the question, 'Is it safe?' Expediency asks the question, 'Is it politic?' But conscience asks the question, 'Is it right?' ..."*

*Martin Luther King Junior*

*I Introduction*

Arguably, the future of global governance requires re-thinking not only notions of publicness that could better correspond to and support global public service delivery, but also rethinking the murky environment in which global governance is taking place. The shift in the way public services have been provided in the last two decades urgently demand a stronger global political space; a space that is driven by values and by a notion of collective ownership of administration of global resources and interests that is much different from what we have today.

In the next three chapters, I set out to demonstrate the shift in public services as it is happening on the ground. In this first chapter, I start constructing a conceptual framework that could help us understand how a stronger global public domain should look like. This exercise comes to a close only in Chapter 5. From chapters 1 to 5, I attempt to demonstrate and summarise the shifts on the ground and the conceptual transformations regarding to public services today. I consider that the five chapters, including the three case studies, were fundamental to the construction of the conceptual architecture proposed for

global publicness throughout the thesis and for the approach chosen and presented in Chapter 6, the maturity approach. It was chosen as a way to move towards rebuilding publicness and an environment where structures of governance, and not of government, can be more effectively steered and rowed.

The first step towards rethinking publicness from a global governance perspective is to separate the notion of publicness and *all-things-public* from the nation-state. Global publicness is in the realm of governance and not of government; it is about a sense of collective ownership in, and access to, administration processes that are decentralised and that cut across borders. Nevertheless, most of the literature on global governance still operates under the national frame, adopting, for example, the nation-state as one main unit of analysis. As the study will show, and especially Chapter 5 will later clarify, I chose to stray away from this traditional format, and construct an approach that understands global governance in public services as a truly transnational phenomenon. As such studying global governance in public services means looking for the ‘transnational dimensions’ of the shifts and changes occurring in social policy and service delivery.<sup>1</sup> The main drivers of these changes have been public private partnerships. Consequently, most governance scholars would likely agree with the definition of global governance in public services as: *forming, enabling, and regulating hybrid alliances for public-services specific goals*.<sup>2</sup> Public services goals include health, education, housing,

---

<sup>1</sup> Karen Mundy "Global Governance, Educational Change" (2007) 43 Comparative Education 340.

<sup>2</sup> This conceptual construction broadens the concept of Global Health Governance articulated by Ilona Kickbusch, Wolfgang Hein, and Gaudenz Silberschmidt "Governance Challenges



nutrition-specific goals, and are pursued by providing or enabling staple welfare services

In this study, a non-territorial, but rather functional approach to public services is adopted. Public services are used as a “medium of publicness.”<sup>3</sup> In other words, ingrained in the process of provision, there is yet another characteristic of public services: they are capable of shaping the public domain. Thus they are a medium of publicness. As a result, public services relocated to the global level are pillars of the global public domain and its contents. The contents of the global public domain should respond to the social objectives that have recently developed beyond the state.

When I refer to public services as a medium of global publicness I refer to, firstly, services traditionally perceived as part of national welfare systems, which now enjoy low to high levels of transnationality (such as health, education, social security (pensions) and housing). Secondly, I refer to other services that are related to the protection and distribution of goods that “extend across borders, population groups and generations” (global public goods).<sup>4</sup> Public services do not necessarily need to be originated via any government. Global social policy may respond to the needs and interests of several constituencies, which integrate the local, national, regional and global levels,

---

through a New Mechanism: The Proposal for a Committee C of the World Health Assembly” [2010 Symposium Global health Governance] *Journal of Law, Medicine and Ethics* 550.

<sup>3</sup> I borrow from new public theorists Janet Newman and John Clarke when I use public services as *mediums of publicness*. Newman and Clarke, nevertheless, focus on remaking publicness in public services in the British context. Janet Newman and John Clarke *Publics, Politics and Power: Remaking the Public in Public Services* (SAGE, the University of Michigan, 2009).

<sup>4</sup> Inge Kaul, Isabelle Grunberg and Marc Stern (eds) *Global Public Goods: International Cooperation in the 21st Century* (Oxford University Press, Oxford, 1999) at Introduction.

by taking on jobs that cut across governance levels and that can promote common wellbeing.<sup>5</sup>

When multilateral agencies, transnational Non Governmental Organizations (NGOs), transnational companies decide to form hybrid alliances and take on these jobs, they engage on global social governance; not necessarily there is a concern with preserving publicness, the attribute of collective interest and ownership, in the performing of these activities. If there were a concern with publicness, we would see more of, and more writings about what has been called by early governance theorists as “self-steering”.

Self-steering is a public form of steering (it is open, it is visible, is collectively owned) that does not suit representative forms of governing. Self-steering is not for government, but for governance.

Higher levels of self-steering happen when actors join each other to do something together, to collectively achieve a common goal or to collectively address a common challenge and, in fact, are able to work as partners. This ability could be fostered by models of participation and accountability that highlighted the importance of self-management, instead of traditional means of control and centralised oversight. These models and mechanisms, as we will later explain in Chapter 5, are still rare to find among the initiatives that today impact public services and among important theoretical postulations, such as Global Administrative Law (GAL). In general, the models reflect a multilateral, governmentally driven culture, both in terms of theory-building and in how things work in practice.

---

<sup>5</sup> Bob Deacon, Michelle Hulse and Paul Stubbs *Global Social Policy, International Organisations and the Future of Welfare* (Sage, London, 2007) at 19-20.

For example, the transnational distribution of drugs, the large-scale evaluation of students, the worldwide provision of food security and cash vouchers for food – programs that will be later identified and explored in the case-studies – require more self-steering and less centralised control in the hands of international institutions or hybrid alliances. They require more coordination and fewer top-down strategies; they require more governance and less government. At the same time (and here lies a great challenge) they also require more publicness, because their objectives refer to achieving shared social goals.

Below, I compare and contrast traditional and non-traditional theoretical perspectives on governance that are relevant to how hybrid alliances (or public private partnerships) have worked in practice to achieve social goals. I also demonstrate that the traditional understandings of publicness are not enough to frame global governance types of initiatives.<sup>6</sup>

Although this thesis is multidisciplinary and broad in its coverage of governance and public service theory, issues and concepts that are more closely associated with business management and economics were placed beyond its scope. Therefore, approaches to governance that relate to trade law and sustainable development, for instance, were not covered, but only referenced to.

---

<sup>6</sup> For a summary of the theoretical prescriptions for global governance, see generally Samuel Makinda “Recasting Global Governance” in RC Thakur and E Newman *New Millennium, New Perspectives: the United Nations, Security, and Governance* (United Nations University Press, 2003) 163 at 181. Contrast with Jean-Francois Thibault “As if the World Were a Virtual Global Polity: The Political Philosophy of Global Governance” (2001) The Global Site <<http://www.theglobalsite.ac.uk/press/108thibault.htm>>.

With the reestablishment of the theme *eradication of poverty* within the international, sustainable development agenda, in the last chapter, I resort to some of the initiatives that have recently flourished that can be useful for the future of global social governance. Yet the sustainable development literature was not generally used to inform the conceptual analysis that follows.

## *II Notions of Governance And Public Services*

Despite the fact that governance has been a multi-disciplinary theme, interdisciplinary debates about governance are less prominent. For instance, scholar Anne Mette Kjær explains:<sup>7</sup>

governance theories have developed out of different theoretical debates, and they remain quite insulated. With a few exceptions (especially between Rosenau and Rhodes), there are not many cross-references between governance literature in different sub-fields.

In general, I accept James Rosenau's concept of global governance paraphrased as *regular systems of steering mechanisms enforced by either formal or informal channels* organised through networked hybrid alliances.<sup>8</sup> But I also consider it limited to properly address global governance as it applies to the social and public administration realms.

Ideal, successful forms of global governance in public services represent forms of steering that are, at the same time, operationally-viable and just. Just global governance ensures that "duties of redistributive justice are fulfilled and [counts with] global and regional institutions to protect other interests of

---

<sup>7</sup> Anne Mette Kjær *Governance: Key Concepts* (Polity Press, Cambridge, 2004) at 196.

<sup>8</sup> JN Rosenau *Along the Domestic-Foreign Frontier: Exploring Governance in a Turbulent World* (Cambridge University Press, Cambridge, 1997) at 15 and 95.

persons in case of State failure.”<sup>9</sup> It also, nonetheless, as pointed out by Nancy Fraser, considers that there are additional issues that can only be accessed and carried forward outside of the national space.<sup>10</sup> These are not only residual issues (i.e. injustices deriving from State-failure), but issues that fundamentally impact on the building of a just global society and that are transnational in their own right. Thus, when I refer to *successful or effective global social governance* I refer to how transnational demands for justice should be addressed by hybrid alliances taking on jobs that, until a few years ago, were in great part managed within national borders.

By the end of this thesis, the study will have demonstrated that, there is a long way to practice global governance in a socially effective way. There are only a few examples of global social governance in operation. Mostly, hybrid alliances function more as a result of the, somewhat frail, international system of governance, mainly as a result of United Nations (UN) programmes, than as genuinely self-steered partnerships.

For this reason, and to better situate the reader about which types of governance models we use the most, I find it important to dissect characteristics of governance across levels (international, global and domestic) as studied through different disciplinary contexts (e.g. International Relations and Public Administration). In many occasions, scholars, public officials and the lay man and woman mention global governance actually referring to international governance. This is more than a terminological issue, since, at a minimum, the misuse of the term *global governance* conveys a larger

---

<sup>9</sup> D Moellendorf *Cosmopolitan Justice* (Westview Press, Boulder (Colorado), 2009) at 148.

<sup>10</sup> Nancy Fraser *Scales of Justice: Reimagining Political Space in a Globalizing World* (Columbia University Press, New York City, 2010), at 83.

participation of transnational civil society than it actually occurs. Relevant implications such as this and a basic taxonomy of governance theories are mapped below.

### ***2.1 International Relations Perspective***

Global governance “is conceived to include systems of rules at all levels of human activity – from the family to the international organisation;” it is a way of working that allows society to “steer itself, and the dynamic of communication and control are central to that process.”<sup>11</sup> In addition, Rosenau stresses that global governance:<sup>12</sup>

involves not only the absence of highest authority but that also encompasses such an extensive disaggregation of authority as to allow for much greater flexibility, innovation, an experimentation in the development and application of new control mechanisms.

These new control mechanisms need to take into consideration, therefore, that the figure of the highest centralised authority does not longer exist; self-steering takes that place. Self-steering relates to the ability of a multi-level (from the transnational to the household) group to determine the directions they want to take in order to achieve objectives that are of shared concern and may be of social and economic character. Thus self-steering in global governance refers to a type of transnational ownership of social processes that is not traditionally contracted but glued together under bonds of solidarity.

---

<sup>11</sup> JN Rosenau “Governance in the 21st Century” (1995) 1 *Global Governance* 13 at 13.

<sup>12</sup> *Ibid*, at 17.

These bonds of solidarities that bring people together into networks and make possible the idea of self-steering should shape what analysts call “the emergent structures of world politics.”<sup>13</sup>

The political world that Rosenau envisions with his colleagues, IR scholars, is one where “authority is undergoing continuous relocation – both outward toward supranational entities and inward toward sub national groups.”<sup>14</sup> It is a world where a decentralised governing style is taking multiple directions. Within this vision there is great confusion between what traditional international governance is (and the type of upward decentralisation it entails) and what global governance is.

International governance in comparison with global governance is:<sup>15</sup>

... the output of a non-hierarchical network of interlocking international (mostly, but not exclusively, governmental) institutions which regulate the behaviour of States and other international actors in different issue areas of world politics ... *Global governance* is the output of a non-hierarchical network of international and *transnational* institutions. ... Whereas, in international governance, the addressees and the makers of norms and rules are States and other intergovernmental institutions, nonstate actors (in addition to States and intergovernmental institutions) are both the addressees and the makers of norms and rules in global governance.

The role in governance that the UN exercises, for example, is a product of the international system and of international law-making. However, UN’s attempt

---

<sup>13</sup> JN Rosenau "Governance, Order, and Change in World Politics" in JN Rosenau and Ernst Otto Czempiel (eds) *Governance without Government: Order and Change in World Politics* (Cambridge University, Cambridge, 1992) ["Governance Without Government"].

<sup>14</sup> Ibid.

<sup>15</sup> Tanja Bruhl and Volker Rittberger "From International to Global Governance: Actors, Collective Decision-Making, and the United Nations in the World of the 21st Century" in Volker Rittberger (ed) *Global Governance and the United Nations System* (United Nations University Press, Tokyo, 2002) at 2.

to expand its work into areas that are considered global social challenges has provoked higher levels of cooperation between the UN and nonstate actors. New forms of cooperation have emerged since the signing of the Millennium Declaration (MD).<sup>16</sup>

In summary, Rosenau's project links its concept of global governance to an idea of self-steering networks; or to the ability of a group of people and organisations, including the State, to get together to do more of steering. From the element of self-steering present in the vision of global governance, one can infer important ethical considerations. It is from the concept of self-steering that one can construct the concept of global publicness, as of today, when there is neither one global government nor consensus about the need of having one. Self-steering, I argue, is the backbone of global governance, and what makes it different from other forms of governing. Self-steering is also the backbone of global publicness. It is what makes publicness new and suitable to the emergent structures of world politics.

Newness in global cooperation, however, has been associated with technical and administrative innovations, rather than with more fundamental reasons for supranational actors to get together. The interpretation that actors engage in global governance with self-interested political goals, or because of strictly operational factors such as availability of funding and human resources, rather than global bonds of solidarity, prevails. Not every engagement among private and public, national and transnational actors configures a step towards

---

<sup>16</sup> Millennium Declaration, see Chapter 2. *United Nations Millennium Declaration* GA Res 55/2, A/55/L.2 (2000).



achieving common goals, enhanced levels of self-steering and better governance.

The term global governance has been used overwhelmingly and in a simplistic manner; it is often associated with most types of nonstate actor participation and any type of transnational alliance. It is mostly articulated as ethically-neutral. In contrast, I understand that ethical content (for example, whether self-steering is being promoted within alliances and whether the scope of the partnership refers to a transnationally shared goal in which stakes would be high for all parties involved) should be taken into consideration to qualify initiatives as of global governance.

For practical reasons, however, I will refer to global governance in the same simplistic manner: calling mechanisms of global social governance as such, even if they are ethically-neutral and do not enjoy higher levels of self-steering. I will call the mechanisms that do enjoy higher levels of self-steering as global governance initiatives that enjoy higher levels of global publicness.

Higher levels of self-steering, for example, can be found in community projects that harness support from a range of international and transnational organisations to deliver global public goods, such as the provision of water, basic health care, popular housing, etc. The realisation of self-steering relies upon the existence of previously agreed social goals. While there are some social goals that have acquired a kind of global public status, many do not. Precisely because of the difficulties in reaching global public status and agreeing upon what common interests are, self-steering may be an overwhelming task.

Global governance will never be about absolute self-steering. Rather, conceptually, and for the sake of its effectiveness, it requires a certain degree of self-steering. Self-steering in global social policy-making refers to the ability of those affected by (or interested in) specific social policies to self-organise into networks in order to shape policy direction. Self-steering in global governance may manifest itself in alternative ways by which civil society expresses choice or consent.

Self-steering, despite the challenges, is of particular importance for global governance in public services, because it enables greater participation of beneficiaries in the steering and rowing processes. In other words, encouraging frameworks of global governance in public services may open new opportunities for beneficiaries to have a voice in the policy and delivery processes. Encouraging these frameworks means enhancing levels of publicness, since one way of assessing publicness is to measure when decision-making processes are being shared among stakeholders.<sup>17</sup> Better frameworks may be facilitated by the strengthening of a vision of global publicness as depending upon higher-levels of self-steering.

Visions of global publicness include ethical, operational, and political components. Each component depends upon the existence of the other in order to enable greater self-steering, and more successful global governance. The components include:

---

<sup>17</sup> Derrick W. Brinkerhoff and Jennifer M. Brinkerhoff “Public-Private Partnerships: Perspectives on Purposes, Publicness, and Good Governance” (2011) 31 *Public Administration and Development* 2 at 11.

- performance should be grounded upon ethical, solidarity-type of commitments that allow for the building of compelling social objectives;
- steering performances should be open for input and scrutiny at the global level (where international and transnational actors devise mechanisms of steering);
- political responsibility for performance should be constructed and gradually attached to global networks.

Note that these criteria do not place at the core of the argument principles that have been traditionally associated with global publicness, such as transparency and accountability. These alone do not represent global publicness and are grounded upon traditional mechanisms of control, associated with government-ran institutions.

Chapter 5 will situate as inadequate, by looking into the lessons learned in the case studies, the terms of the debate about accountability as they are currently deployed. Mostly, the terms of the debate are inadequate because they do not engage with self-steering; authors seldom realize that global governance theory relies upon self-steering. The higher the levels of self-steering, the fewer mechanisms of accountability should be needed. Yet very few scholars realize the centrality of self-steering to the theory and practice of global governance. Missing the centrality of self-steering is missing the point about how global governance is legitimised, made transparent and made accountable.

In general, International Relations scholars have also overlooked the richness of studying public private partnerships (PPP or PPPs) from a global social governance perspective.

As it currently takes shape, global social governance, or global governance in public services, refer to a range of international and transnational, sectoral (health, education, pensions, housing ...) interventions that increasingly influence people's wellbeing around the world. In practice, it refers to governing a range of social services through hybrid alliances that operate across borders.

Global governance in public services should not be confused with neither philanthropy nor international development. Philanthropy and international development may be tools of global governance. I argue, however, that (in the context of public service governance) preference should be given to tools that enhance the global publicness of global governance mechanisms and their programmes. Philanthropy and international development may or may not do that.

By requiring higher levels of global publicness in global governance in public services, the global overlay that designs and provides public services acquires an ethical dimension that seems fundamental for the successful relocation of public services to the global level. This ethical dimension relates to themes such as beneficiary-centrality, wealth redistribution and the reduction of inequalities. Global governance in public services, however, has happened without these types of global public considerations.

Ethically- neutral or not, global social governance is limited in scope (it only applies in specific situations and in reference to a few goods and services.) From an international relations perspective, the jurisdiction of global governance in public services should always be narrow, but deep (fewer issues, but large responsibility), while the jurisdiction of the State, for

example, is wide, but becoming more shallow in certain policy areas, like global health and global food security.

### *2.1.1 Global Governance and globalisations*

From an international relations perspective, global governance is seen as a relatively new phenomenon made possible through the formation of many hybrid alliances fuelled by globalisation. Global governance in public services involves several dimensions, such as economic, legal, cultural, sociological, and ethical.<sup>18</sup> For example, if not for the globalisation of human rights discourse and the standardisation of certain health and environmental models of governance, global governance in public services would likely not be happening at the level it is already happening.

The provision of public services through the use of global governance is one important consequence of multiple forms of globalisation.<sup>19</sup> The emergence of ideas such as the transnational public sphere, international human rights, the global commons and global public goods require a rapid change in perspective in respect of the jurisdiction of a limited number of public services.

Many public services, however, continue to be dealt with within a traditional, public administration perspective. It continues to be just as important and provides an essential contribution to the overall exercise of governing the social.<sup>20</sup>

---

<sup>18</sup> Laurence Lynn “The Art of Governance in the 21st Century” (paper presented to the First Annual Herbert Simon Academy, Manchester, 2007).

<sup>19</sup> Ibid, at 2.

<sup>20</sup> CN Murphy “Global Governance: Poorly Done and Poorly Understood” (2000) 76 International Affairs 789.

## ***2.2 Public Administration Perspective***

In the domestic context, Rod Rhodes starts by explaining “governance as the minimal State”, that is governance as the “use of markets and quasi-markets to deliver public services.”<sup>21</sup> Domestic governance practices have disrupted the traditional public sector and traditional modes of steering.

Even within this disrupted context, domestic governance relies upon the government to choose and organise how public services will be outsourced. While decentralisation practices are widely used in domestic governance frameworks, decentralisation does not presuppose the disappearance of a centre of authority.<sup>22</sup> It relies upon the government, as it relies in representative democracy to assess the needs of the governed and to take up political responsibility. In domestic governance, governments represent publicness and have a significant role to play in enabling and constraining networks. However, governments have not always been able to define the directions of governance; global governance as a practice has often transcended government’s ability to dictate how the public sector should be steered. For instance, a range of international and transnational actors now complicate the government’s job of enabling or constraining service provision.

According to Rhodes, governance is a “*new* process of governing; or a *changed* condition of ordered rule; or the *new* method by which society is

---

<sup>21</sup> RAW Rhodes “The New Governance: Governing without Government” (1996) XLIV Political Studies 652 at 653.

<sup>22</sup> Global governance theories do not prescribe the disappearance of the nation-state, but many of them have prescribed the weakening and the transformation of the role of national governments as centres of authority. The most well-regarded international relations framework following this line of thought is “Governance without Government” first developed in see JN Rosenau and EO Czempiel, *Governance without Government: Order and Change in World Politics* (Cambridge Press, Cambridge, 1992).

governed.”<sup>23</sup> With these words, Rhodes tells us what governance is within an ordered domestic context. He expands his argument by saying that such new governing process is conducted through *network governance*. The author explains that:<sup>24</sup>

As used in the analysis of British government, the term policy network refers to sets of formal and informal institutional linkages between **governmental** and other actors structured around shared interests in public policymaking and implementation.

The difference between Rhode’s account of the role played by networks in domestic governance and the role of networks in global governance refers to *who performs, who exercises* specific tasks of public administration and where these tasks take place.

At the domestic level the underlying principle of western liberal public philosophy is that:<sup>25</sup>

... the people are able to give and to withhold their consent to being governed – their consent to what the government asks of them, proposes to them, and has done in the conduct of their affairs. They can elect the government. They can remove it. They can approve or disapprove its performance. They cannot themselves perform.

Walter Lippmann’s classic articulation of the boundaries of the power of the people is clearly at odds with the theory of global governance, where people are attributed to perform several of the activities, and make decisions, that are vital to the organisation of society in self-steering format. However, Lippmann’s account is not completely at odds with Rhodes description of

---

<sup>23</sup> Rhodes, above n 21, at 653.

<sup>24</sup> RAW Rhodes “Understanding Governance: Ten Years On” (August, 2007) 28 Organisation Studies 1243 at 1247 (emphasis added).

<sup>25</sup> Walter Lippmann *The Public Philosophy* (Originally Published: Boston, 1955; Transaction Publishers, 1989, New Jersey) at 14.

domestic governance. This difference is significant for an emerging theory of global publicness, which (if consolidated) will coexist with and reshape other understandings of State administration.

The understanding that public service provision is a tradition that pertains exclusively to the State is in steady decline. However, the broadening of public administration towards the global level has been detected via domestic governance scholars and studied within public administration schools.

At the global level, the emergence of Global Administrative Law (GAL) has indicated that government traditions related to administrative justice can develop outside national bureaucracies.<sup>26</sup> The concern of GAL however is narrower, mainly with oversight of compliance mechanisms within international organisations (including principles of accountability and transparency) and with the promotion of rights.<sup>27</sup> Disciplines such as New Public Management (NPM) in the domestic level and GAL at the global do not sufficiently address the issue of disruption and relocation of publicness, once mechanisms of public administration are taken out of the natural public space (State or multilateral institutions dependent upon State consent) and placed elsewhere.<sup>28</sup>

---

26 Benedict Kingsbury, Nico Krisch and Richard Stewart “The Emergence of Global Administrative Law” (presented to the NELLCO Legal Scholarship Repository, Theory Working Papers, NYU School of Law, 2005).

27 Ibid.

28 Recently, GAL scholars have engaged with global health from a critical perspective, pointing out many important challenges that global health partnerships have engendered to the overall issue of global health governance. GAL scholars have contributed to raise important practical questions, such as the role of the WHO’s Secretariat and the different types of accountability needed when PPPs are implemented. According to Burci, GAL scholar and legal counsel to the WHO, new forms of accountability, like partner to partner, partner to stakeholder, partners to the global health infra-structure need to be assessed. In addition,



For instance, NPM concentrates on a traditional view of governance, derived from the vision of the discipline of public administration. According to this vision, the welfare State is observed to be in steady decline, but a more managerial, business-like State is emerging as a strategy to be used by governments wanting to be more efficient. The State still represents a tangible, formal centre of authority with which other actors need to necessarily negotiate.

Mechanisms in global governance in public services are not all the same. For instance, NGOs do not work in the same way. In general, state and private actors partner under what could be called as the application of the managerial aspect of NPM. The wave, which was mentioned earlier, towards adopting NPM principles in governance at the domestic level has influenced supranational mechanisms as well.

NPM principles were first developed as a response to what was considered governmental inefficiency.<sup>29</sup> In theory, NPM principles include the idea that governments should be responsible for enabling service provision, but not for delivery, because they are not efficient at it. NPM suggests that in the process

---

important legal questions like “Who incurs liability in case of actions carried out by a partner or by the host organization on behalf of the partnership? Could it be argued that there is joint and several liability of the partners? But what about the common case of constituency representation, where the board members loosely represent an underlying grouping that has not participated directly in decision-making?” are relatively new concerns of the EHO. Yet the nature of the service provided by PPP for health, if private or public, is not directly under scrutiny by GAL scholars. There is a common concern about “the use of private or market-oriented instruments as an integral part of their [PPPH’s] operational approach”, but the nature of the partnership beyond its hybridity has yet to be assessed and decided upon. Gian Luca Burci “Public Private Partnerships in the Public Health Sector” (2012) GAL Working Paper Series, Institute for International Law and Justice, New York University.

<sup>29</sup> William Dunn and David Miller “A Critique of the New Public Management and the New-Weberian State: Advancing a Critical Theory of Administrative Reform (2007) 7 Public Organisation Review 345 at 347-348.

of enabling, governments should empower citizens to own the processes of governance, clarifying the purposes of services and the goal of public provision. Other NPM remedies, by contrast, include practical advice on how to make government more business-like and more economically efficient by adopting a strategy of privatisations and treating beneficiaries as consumers.

Public administrators and International Governmental Organisations (IGOs) officials have chosen to apply the last remedies (the managerial types) in the day-to-day crafting of governance strategies while the first remedies, which are more political in nature, and associated with new forms of self-steering, have been underdeveloped. As applied from a vision of the beneficiary as a consumer, NPM becomes incompatible with higher-levels of publicness in global governance, since publicness requires political openness and visibility in decision-making. Political openness and visibility requires that public ends, differently from business-types of efficiencies and consumer satisfaction, be tenants of the policy responses. NPM when used from a managerial perspective is not enough to address the extent of publicness needed when transnational NGOs and IGOs become service enablers. For example, Dunn and Miller explain more clearly how the application of NPM in domestic practice does not contribute to democratic governance either:<sup>30</sup>

---

<sup>30</sup> Ibid, at 355.

...economic efficiency in its various forms (employee productivity, budgetary discipline, optimal staffing) is the main justification of NPM interventions such as privatisation, contracting out, and new personnel appraisal systems. Frequently, even discussions of employee and citizen participation, which at first glance seem to be associated with democratic governance, reduce to purely instrumental arguments about the effects of participation in enabling or constraining productivity and economic growth—this is pure instrumental rationality, with no consideration of other public ends.

Economic efficiency as the core principle of NPM has reflected in the work of IGOs as new enablers of public service provision.

GAL adopts an approach to global publicness that is, for our purposes, insufficient, because it is associated with publicness as derived from the legitimacy of international law.<sup>31</sup> Because GAL relies almost exclusively upon the administrative bodies established by international treaty regimes, it does not have to consider alternative expressions of publicness. The analysis of global governance in public services is a broader undertaking that generally does not rely on the available international legal regimes. Global governance as it takes place in public services may benefit from GAL's mechanisms in specific global policy areas that enjoy treaty regimes and that use them to guide public service action (that is potentially the case of the human rights framework). GAL's tools will always be just one set of tools among many others.

Publicness without government and within global governance requires broader and creative ways of reimagining and building administrative mechanisms. In fact, publicness within global governance represents more than creating international mechanisms of administrative justice, like new treaty bodies to

---

<sup>31</sup> Ibid.

develop modes of transparency, accountability and participation. Publicness within governance has broader meanings; it is about new political horizons and new avenues for social justice.

### *2.3 Global Ethics Perspectives on Governance*

The study of transnational networks is more about their ability to influence State behaviour than about deep-rooted moral reasons to self-organise, or about networks' abilities to take part in governance as actors in their own right.<sup>32</sup> For instance, two types of networks have been considered most relevant in different global policy areas. Epistemic networks (communities of knowledge-based experts) have been framing the debate about environmental policy.<sup>33</sup> Transnational advocacy networks have been associated with the expansion of international human rights.<sup>34</sup> In large part, the effects of these networks have been investigated in the context of how they help frame national policy choices about these themes. While this is important, this approach only looks at one aspect of network action that, arguably, is not the most important in a frame of global governance. A frame of global governance advances network action in its own right. Global governance in public services advances networks that take upon their responsibility provision and delivery of services, even if the State plays an active role as a member of the network itself. Moreover, global governance in public services should be about managing social objectives that are common to transnational constituencies.

---

<sup>32</sup> Contrast with the study of the control of the 2003 outbreak of Severe Acute Respiratory Syndrome (SARS) in ch 4. SARS governance heavily relies on networks.

<sup>33</sup> PM Haas "Introduction: Epistemic Communities and International Coordination" (Winter, 1992) 46 International Organisation.

<sup>34</sup> Margareth Keck and Kathryn Sikkink "Transnational Advocacy Networks in International and Regional Politics" (1999) 159 International Social Science Journal 89.

It was not by chance that the now extinguished Global Governance Commission (GGC) made reference in the title of its report to the word “neighbourhood”.<sup>35</sup> As suggested in Evan Luard’s writings, the global level has the possibility of reclaiming community values that were lost with modernity.<sup>36</sup> The GGC, following the same line of thought, suggests a three-fold approach to global ethics to guide global governance actions. This approach directly relates to an emerging ethic for global governance, and to a public nature that should be more naturally attached to it:<sup>37</sup>

Enunciate and encourage commitment to core values concerned with the quality of life and relationships, and strengthen the sense of common responsibility for the global neighbourhood.

Express these values through a global civic ethic of all actors, public and private, collective and individual.

Embody this ethic in the evolving system of international norms, adapting, where necessary, existing norms of sovereignty and self-determination to changing realities.

Public service reformers remain oblivious to these emerging ethics. Whether by ignorance, negligence or design, this indifference interferes with the quality and quantity of public services.<sup>38</sup> For instance, in traditional public sector

---

<sup>35</sup>Commission on Global Governance *Our Global Neighborhood: the Report of the Commission on Global Governance* (Oxford University Press, Oxford, 1995) [“Commission Report”].

<sup>36</sup> Evan Luard *Socialism Without the State* (Macmillan, London, 1979).

<sup>37</sup> Commission Report, above n 35, at 48.

<sup>38</sup> For example, the Millennium Development Goals (MDGs) have narrowed the relationship between goals to be achieved at the global level and the necessity for more public services in quantities that are often impossible to provide at the national level. The little interaction between public administration and global governance theories exacerbate the difficulties in actually addressing this gap.

reforms, scholars observe a tendency to uphold private values over public.<sup>39</sup>

Savoie remarks that:<sup>40</sup>

...national civil services in Western countries lost their way in the 1980s. ...

The political leaderships of the 1980s became openly hostile to their public services, hurling all kinds of accusations at them, notably of being 'flat, bloated, inefficient, uncreative and too powerful;' and fiscal imperatives pushed governments to reform the machinery of government with a consequent enthusiasm for privatization and other ways of commercializing government activities. The public services have remained on the defensive ever since ... (citation omitted).

Today, the values guiding public service administration have been fragmentation by execution, State minimalism, and corporate measures of efficiency. These are private values generally observed in the practice of governance. This elected set of values has been object of criticism, fuelling much of the governance debate within national boundaries, regardless of policy area.<sup>41</sup> The debate has neither succeeded in discouraging a private orientation in domestic governance nor in preventing it from spreading. Hence, corporate values, rather than global ethical values, have transformed the ways

---

<sup>39</sup> Guy Peters and Donald Savoie offer one of the few comprehensive evaluation of globalisation's effects in public services. They are generally sceptical. Savoie writes about Guy Peter's conclusions that "Globalisation, for example, is having an impact on the role of government in setting economic policies. But the impact is less clear in social policy. The debate about the role of the nation State, he [Peters] insists should not boil down to an either/or scenario. Rather, the debate should be over how best to organise the governing of nation States, what new tools to introduce and old ones to discard and what mechanisms for proper public accountability should now apply." G Peters and DJ Savoie (eds) *Governance in the 21st Century: Revitalizing the Public Service* (McGill-Queen's University Press, Montreal, 2000) at 18.

<sup>40</sup> DJ Savoie "Introducing the Topic" in DJ Savoie and G Peters (eds) *Governance in the 21st Century: Revitalizing the Public Service* (McGill-Queen's University Press, Montreal, 2000).

<sup>41</sup> For current debates concerning New Public Management, see Christopher Hood and Guy Peters "The Middle Aging of New Public Management: Into the Age of Paradox?" (2004) 14 *Journal of Public Administration Research and Theory* 3.

in which public services are provided. This fact has influenced recent theories, which are at odds with the discursive revival of publicness as a result of an emerging ethics for global governance. Despite of how difficult it is to change public administration cultures, it is important to note, however, that transformation of public administration has been possible at the domestic level, but perhaps not towards the direction desired.

Global governance in public services implies another layer of transformation. It represents a shift that aims at responding to Donald Kettl's critique about governance's inability to address needs that are far beyond a government's capacities, structures, and processes (corporate-like or not).<sup>42</sup> However, effective global governance in public services is not only suggested as a response to new demands generated by globalisation, but also as one response to the limitations of current domestic public administration frameworks, which remain little concerned with transnational events. It also engages little with potential linkages between the wellbeing of peoples and enhancing global forms of publicness.

Some of the new predicaments cited by Kettl in his *The Transformation of Governance*, include "global warming, terrorism, migration and immigration, income inequality, intellectual property, and sectarian conflicts." (citation omitted)<sup>43</sup> These pose direct and indirect challenges to public services as provided within the State and as currently provided by most partnerships formed to address social goals. These and other global challenges, especially in the social realm, demand new approaches to publicness.

---

<sup>42</sup> Donald Kettl "The Transformation of Governance: Globalization, Devolution and the Role of Government" (2000) 60 Public Administration Review 488, at 490.

<sup>43</sup> Ibid.

### *III Global Publicness*

Publicness is the “combination of things, ideas, issues, people, practices, relationships and sites that are understood as public.”<sup>44</sup> Global publicness is a relatively new term, which does not enjoy yet a clear definition.

In Chapter 5, I propose an approach to global publicness, based on conclusions from the three case studies, which highlight that the main critiques concerning social services provided by global actors boil down to lack of publicness. It does not lack publicness as we know it; it lacks publicness when it is interpreted broadly, beyond its modern amalgamation with the nation-state. Until the mid twenty century, as I will argue below, publicness was associated with social ownership of administrative processes.

Arguably, many of the problems with global governance in public services detected today could be diminished if we were to make global processes less centralized and more open to higher levels of self-steering and social ownership of global social-policy making and delivery processes. Social ownership of global processes, through networks that are able to bridge the local and the global, the international and the transnational is at the centre of a, still rather rough, understanding of what global publicness means.

Accessing global publicness today is very much an academic exercise, which signals potential pathways to overcoming challenges to global social governance. In order to overcome the challenges faith in publicness needs to be restored.

---

<sup>44</sup> Newman and Clarke, above n 3.



The argument in favour of making global processes more public, even if outside of the governmental realm, is not mere speculation. In fact, this thesis' case studies show that the single common thread, through which it is possible to weave the critiques and the detected problems in social governance today relates to lack of publicness, as traditionally conceived (nor as an attribute of State activity and neither as a synonym of more accountability and transparency in supranational activity).

The disruption of the traditional, state-ran public sector model has taken the concept of publicness to a sort of a crisis. For the last fifty years, publicness has been associated with the nation-state. With the displacement of publicness, the *language of the public* has been considered tarnished, tainted with a heavy coat of negative associations, such as inefficiency, waste, corruption, and exclusion.

Global education scholars, for example, suggest that education, in order to be accessible, inclusive and high-quality should be considered a *general good* or a *social good*, rather than a *public good*. New attempts to remake the public—including those that are not at the national-level but elsewhere – may encourage education scholars to adopt the language of publicness and use it to reach goals of free and quality education worldwide.

It is through the term *public* that we, as a society, have historically understood what should be accessible by all, and what is collectively owned. It is through the language of publicness that we deposit our trust, even if ineffective or corrupt practices have tainted the image of national bureaucracies. Therefore, even among contemporary critiques that resemble modern ideas of the public

as a mere phantom,<sup>45</sup> the culture of depositing the collective interest at the hands of something public is still very strong.

As an overall trend and partially because of the reasons above, we are not ready “...to cut off the head of the king” (as Michael Foucault referred to the ambivalence of political theorists to diminish the role of the nation-state).<sup>46</sup> Thus theorists (along with high-level officers and public administrators) refrain from classifying subjects and objects of global governance as global public, even if the function that global actors are now exercising are clearly public functions.

As public services represented the power of the king in the 20<sup>th</sup> century, to globalise them could mean that the integrity of the king is in jeopardy. This suspicion can be historically debunked. First, history has shown that the king alone may not be the best representative of its people’s multiple interests.<sup>47</sup> Second, global governance – understood as organisational systems with high-levels of self-steering and, hence, publicness—may be able to revitalise some ability of the people to organise and claim for their interests, which is, in fact,

---

<sup>45</sup> In other words, it seems that most global governance scholars, although not satisfied with the status quo and with the declining of publicness, would not accord with Walter Lippmann’s proposition of the phantom-public in Walter Lippmann “The Phantom Public” (Transaction Publishers, New Jersey, 1927). However, this debate is as current as it was when John Dewey responded to Lippmann with the *Public and Its Problems*. John Dewey “The Public and its Problems” (Swallow Press, Athens (Ohio) 1954).

<sup>46</sup> M Foucault (trans) Robert Hurley *History of Sexuality* (New York, Vintage Books, 1990) vol 1 at 88-89 (citation omitted).

<sup>47</sup> For a historical account of the weak link between territorial criteria and adequate representation of community interests in democratic societies see Andrew Rehfeld “The Concept of Constituency: Political Representation, Democratic Legitimacy and Institutional Design” (Cambridge University Press, New York, 2005).

the reason why many theorists pay allegiance to the king and, in simpler terms, to national publicness.<sup>48</sup>

Publicness and public matters are not natural to global governance, but rather battled for, “historically and socially variable”, involving “political struggles to make them so.”<sup>49</sup> As a global era of publicness is inaugurated by the relocation of public services beyond the state, so are new battles to constitute it and to make it so. The relocation of public services perhaps should not have happened in the way it did: randomly, without an overarching governance vision, and without an understanding of the political space necessary to host global social policy effectively. But it is a reality and it is upon us the necessity to construct a viable environment for them to flourish in a just and responsible way. In this fashion, a brief review about the concept of publicness is helpful.

The concept of publicness has acquired different meanings with time. First, the concept of publicness served to organise social life at the local level (defining, for example, the work of the local family doctor and of the parish’s school). Then, publicness migrated to the State level; in modern times the State has represented the socially owned and has organised social life (organising, for example, health provision through the building of public hospitals and education through mass-schooling). More recently, social life has found expression and organisation beyond the State. The State is one out of many publics gravitating the public sphere, hence new articulations of publicness have emerged.

---

<sup>48</sup> For an account of how self-steering relates to global governance see Rosenau, above n 54. For an account of how fair representation within nations is one of the three tenants of what John Rawls would call “good standing in a reasonable society of peoples” see John Rawls “The Law of Peoples” (1993) 20 *Critical Inquiry* 36 at 43-43.

<sup>49</sup> Newman and Clarke, above n 3, at 2.

Following this historical line, global publicness rises as an attribute of the acts of governance that refer to issues that cross borders (such as epidemics, hunger and the need for qualified workforces). Ideally, global public challenges should be owned and addressed by a global overlayer and its global subjects organised in hybrid partnerships and enjoying high levels of self-steering.

Global publicness as an attribute of global governance has potential to transform the ethics, the sociology, the politics, and the operation of global governance as generally deployed in discourse and practice.

For example, Marta Minow, who studies the State of education reform, observes that “... lines between public and private, non-profit and profit, secular and religious – are newly up for grabs ... .”<sup>50</sup> She furthers her observations by providing an account that there is a *shifting of lines* in “welfare reform, health care, universities, social services, media, the arts, and justice.”<sup>51</sup> By surveying these shifting lines, Minow confesses that:<sup>52</sup>

... it is disturbing to watch things that we think should be separate come in contact and converge. Yet we are not likely to succeed in reasserting the old borders between public/private, profit/non-profit, and secular/religious. The federal and State government will not extend or reassume all duties of direct provision ... Yet no one committed to the public values of freedom, equality, and fairness can simply watch these trends without concern.

Better understanding the relationship between these *shifting lines* and the global level is invaluable. A deeper analysis of this relationship may, for example, define the reasons why a new global jurisdiction to provide a limited

---

<sup>50</sup> Martha Minow “Partners, Not Rivals? Redrawing the Lines Between Public and Private, Non-Profit and Profit, and Secular and Religious” (2000) 80 Boston University Law Review 1061 at 1062.

<sup>51</sup> Ibid, at 1062.

<sup>52</sup> Ibid, at 1091.

number of public services offers a great opportunity to both formalise and improve practices that are already taking place (some of these practices will be showcased in chapters 2, 3 and 4).

### ***3.1 The State and Statist Publicness Vis-à-Vis Global Publicness***

A conventional approach to global publicness considers the “national populations and transnational nonstate, nonprofit actors” as elements of the public domain, together with the State itself.<sup>53</sup> A conventional approach always attributes the public’s “visible hand” to the national government.

Differently, the visible hand of the global public (which could actually be termed *the visible hands of many publics*) lies not only in the exercise of public functions by networked actors, but in the common reason why they engage with such activities. As such, the global level needs to be vested with interests and procedures that have the capacity to sort out and systematise the activities being undertaken by networks *working for the public*, attributing to them a differentiated treatment, and forming a visible public sector that is represented by a web of networks (a network of networks,) albeit a fluid one. In this respect, individuals will have to let go of an obsession with tangible structures and government buildings, as they did, for example, by accepting internet banking into their daily lives and letting go of actual bills and receipts. They will also have to learn how to recognise new actors as public. As global actors become public, they acquire new prerogatives and new responsibilities.

Global actors performing public functions are as varied as human rights enforcement networks and international providers. They are also as local as

---

<sup>53</sup> Inge Kaul, Isabelle Grunberg and Marc Stern (eds) *Global Public Goods: International Cooperation in the 21st Century* (Oxford University Press, Oxford, 1999) at 450.

grassroots community groups and as transnational as the NGO Doctors without Borders. As Doctors without Borders, there are a range of other organisations that could be considered global providers, including: international agencies such as the UN Habitat, which provides, among other things, financing solutions to affordable housing in many countries; partnerships created for policy-guidance and financing such as the Partnership to Stop TB; and straightforward delivery mechanisms such as the Global Drugs Facility.<sup>54</sup> Yet there is little guidance, in academia and within networks themselves, about how global actors should organise vis-à-vis each other; which position they believe they occupy, actually occupy, or should occupy; and which responsibilities they have in regards to their clients or beneficiaries.<sup>55</sup>

### ***3.2 Global Actors and Their Environment***

In 1990, Evan Luard defended the transition of publicness between political units, from State to the global, as it pertains to the promotion of welfare:<sup>56</sup>

---

<sup>54</sup>For more on the services provided by UN Habitat see “Land and Housing” <<http://www.unhabitat.org/>>. For more on the services provided by the Partnership to Stop TB and the Drugs Facility see “Global Initiatives” <<http://www.stoptb.org/global/>>.

<sup>55</sup> Milton Fisk “Global Public Goods and Self-Interest in ED Boepple (ed) *Sui Generis: Essays Presented to Richard Thomas Hull* (Bloomington, Author House, 2005) at 13-22.

<sup>56</sup> Evan Luard *The Globalisation of Politics: The Changed Focus of Political Action in the Modern World* (Macmillan, London, 1990) at 51.

Thus, just as, a century so earlier, social problems which had previously been confronted only at the local level, within the family and the local community, had increasingly been made the responsibility of national governments, so now some of those problems had to be confronted on a still wider basis. Many had become global rather than national problems. Crime, drugs, terrorism, disease, refugees, national disasters, had become matters which individual governments acting in isolation could no longer effectively cope with. They were incapable, above all, of dealing with the most serious social problem of all: relieving the situation of the most disadvantaged – the totally destitute – since in most cases these lived within those States which were themselves most disadvantaged and least capable of helping them. If such problems were to be confronted at all, this had to be done at a level above that of the State.

In 1979, Luard had already explained in his book “Socialism Without the State”<sup>57</sup> that a single political unit, the nation-state, had been misinterpreted as the exclusive custodian of the national social realm. In other words, everything public, everything socially owned, was confused with everything owned by the State. Luard also clarified that this fusion between social ownership and State ownership generated negative effects, such as amplified world inequality.<sup>58</sup> In the same book, he suggested that one way to reclaim publicness, and attend to the needs of society, is to devolve power to the

---

<sup>57</sup> Evan Luard *Socialism Without the State* (Macmillan, London, 1979).

<sup>58</sup> The book’s main argument, in pages 8 and 9, is that “Inequality is not so much among individuals in the same State: it is between State themselves. ... The political creed which has been primarily concerned about reducing inequality is thus, in its most commonly adopted form (the doctrine of State socialism), irrelevant to the main social problems which exist today.” Thus, in pages 146 and 151, the author recommended that social ownership should be broken-down into units, including the “global” and the “grassroots”. He said, “In certain fields, it is true, the trend towards coordination and control, at wider and wider levels, is almost certain to go on. At the world level, the common interest in peace and security, spreading the benefits of economic development, and in reducing conflict and waste in many functional fields, will continue to promote this tendency, and even to intensify it. ... But that vision of society, seen from top, in terms of the downward-moving initiatives required to order it still more minutely, is quite different from the vision from below, the view of what might seem desirable to individual persons and groups, taking the aspirations of their own small units or of individual human beings themselves as the measuring-rod.” Ibid, 8-9, 146 and 151.

grassroots level, while relinquishing State power to, what he called, the “stratosphere” level.<sup>59</sup> Thus, both the *stratosphere* and the *local* level were engaged in a vision of governance first proposed by Luard in the late 1970s.

In 1979, as noted by Adam Roberts, this word, “stratosphere” was somehow deprecating.<sup>60</sup> Roberts argue that Luard himself could not fathom when States would agree to transfer jurisdiction over some public matters to a supranational level. In the 21st century, the stratosphere is closer to home and is represented by a global project that Luard himself developed in his 1990’s theory of globalised politics.<sup>61</sup> Yet deserved attention has not been paid to perspectives on governance that highlight the relevance of the global public domain and global publicness. Theoretical considerations of this sort have been only at the margins, and they are not clearly linked to the beginning of a global public sector in particular, and the consolidation of the global public domain in general. In fact, international and transnational community’s efforts that signal a transformed public sector are generally analysed from an economic or developmentalist perspective. I argue that the efforts of global actors in re-shaping public services are vital not only for a better understanding of the global public domain and global publicness, but also for better understanding and use of global governance.

As discussed above, global publicness strays away from a traditional political public theory perspective (that is publicness associated with the acts of an

---

<sup>59</sup> Ibid.

<sup>60</sup> Adam Roberts "Evan Luard as a Writer on International Affairs" (1992) 18(1) *Review of international Studies* 63 at 70.

<sup>61</sup> See Evan Luard *The Globalisation of Politics: The Changed Focus of Political Action in the Modern World* (Macmillan, London, 1990) at chapters 3 and 7 respectively at 46-70 and 139-162 ["Globalisation of Politics"].



elected government;)<sup>62</sup> from an economic perspective (publicness measured by non-rivalry and non-excludability in the availability of a good or service;) and from more recent conceptual attempts, such as Benedict Kingsbury's concept of publicness for global administrative law (directly associated with international law and regulation).<sup>63</sup> At the same time, global publicness in public services as a characteristic of a new governing form is timid, contentious, and applicable to very few policy-fields.

Constructing a type of publicness that is global and non-territorial sounds, at the outset, counter-intuitive. A concept of global publicness that merely transfers basic pillars of the traditional concept of publicness and public goods to the supranational level is, at a minimum, incomplete. It could be labelled inaccurate. Considering the many differences existent between the national context and the global context, refashioning publicness to fit contemporary needs means, at the outset, a) researching about transnational actors and international institutions. It also entails researching about b) values, themes and goods that are of transnational concerns.

These two realms, the first institutional and the second ethical, make up the global public domain. The first realm is material; it relates to networked actors and institutions hosted by a supranational overlayer that produces and delivers social services.

---

<sup>62</sup> Milton Fisk "Global Public Goods and Self-Interest in ED Boepple (ed) *Sui Generis: Essays Presented to Richard Thomas Hull* (Bloomington, Author House, 2005) at 13-22.

<sup>63</sup> Kingsbury, above n 26.

Therefore, I select the transnational public sphere as one of the material elements of the global public domain. Guidry, Kennedy and Zald explain that the transnational public sphere is:<sup>64</sup>

...a space in which both residents of distinct places (States or localities) and members of transnational entities (organisations or firms) elaborate [sic] discourses and practices whose consumption moves beyond national boundaries. The consequence of this transnational public sphere is not simply its own development. Like globalisation, it involves “action at a distance” that must be understood in terms of its consequences for real actors, all of whom occupy specific places and communities.

Global justice scholars have attributed to the transnational public sphere a larger role in reinforcing and engendering protective regimes that represent the needs of global civil society often voiced by transnational NGOs.<sup>65</sup>

Protective regimes are also part of the other material component of the global public structure: international and transnational institutions. Brühl and Rittberger underpin the importance of establishing and protecting a stable order via institutions. They argue that without them there would be underproduction of global public goods. They also claim that “the output of international norms and regulations to ensure the provision of these public goods on a global scale has not kept pace with the rising demand for them.”<sup>66</sup>

In terms of institutions, some institutionalist positions are at odds with the idea of global publicness in global governance, while others are not. It will depend upon one’s concept of institutions. This study, for instance, does not share the

---

<sup>64</sup> John Guidry, Michael Kennedy and Mayer Zald "Globalisations and Social Movements" in John Guidry, Michael Kennedy and Mayer Zald (eds) *Globalisations and Social Movements: Culture, Power, and the Transnational Public Sphere* (The University of Michigan Press, Ann Arbor, 2000).

<sup>65</sup> Ibid.

<sup>66</sup> Bruhl and Rittberger, above n 15.

general view that more traditional, international institutions are absolutely needed for networked actions to work for the public. In fact, international institutions may facilitate or disrupt global publicness (since they may see their role as superior in a hierarchy of global actors and harm self-steering.) Yet their roles as global actors are wide. They include administrative coordination, mediation of claims (political coordination), recognition and validation of local claims (translation), enforcement of laws and social norms, and gathering and distribution of funding. These are all part of the material component of the global public domain, therefore very tangible and easy to visualise.

The second realm (besides the institutionalist) of the global public domain is normative. In part it relies upon an aspirational vision of the global commons. Arguably, the challenge resides in this ethical realm. The greatest challenge, I argue, is to promote a change of consciousness that promotes the global level as a suitable space for people to get together to discuss, preserve and produce goods that are of interest for all, regardless of their nationality. The challenge for the global public domain is to be enshrined with values that allow transnational, hybrid partnerships to design and manage collective projects, regardless of the different economic and political roles each partner might play. We are still far from having these values.

Richard Falk explains that a values-based approach to global society, as occupying what he termed the *global commons*, has engendered positive effects in environmental preservation.<sup>67</sup>

---

<sup>67</sup> Richard Falk "Humane Governance for the World: Reviving the Quest" (2000) 7(2) Review of International Political Economy 317 at 328.

In essence, affirming the existence of a global commons acknowledges the growing insufficiency of relying on States to achieve an acceptable form of global governance by acting on their own. With reference to oceans, polar regions, ozone depletion, climate and biodiversity, there is the awareness that only global cooperative regimes with longer-run perspectives can avoid disaster befalling the global commons. Impressive results have been achieved through the medium of 'lawmaking treaties' that seek to bind the entire world to act within an agreed framework of rights and duties.

Advocates for the global commons recognise the threat posed by, what can be considered, patronising politics. Grounding the legitimacy of his theory on a humanist perspective, Falk explains that:<sup>68</sup>

Delimiting the idea of humane governance on behalf of the peoples of the world is itself a daunting and inconclusive undertaking. The unevenness of material circumstance, cultural orientation and resource endowment makes it especially difficult and even suspect, to universalize aspirations, and set forth some image of human governance that can be affirmed by all. It seems appropriate to be tentative, inviting dialogue across civilizational and class boundaries as to the nature of governance. From such a bottom-up process, areas of overlapping consensus can begin to be identified, and the negotiation of differences in values and priorities facilitated. If successful, this interactive dynamic could in time produce a coherent project, democratically conceived, to establish humane governance for all peoples.

The global commons as a normative project, however, should encompass much more than the environment, but other social goals somehow deliberated and agreed upon as common. The global commons should be considered the outer layer that holds together several vital goods, necessary to human wellbeing, regardless of cultural and economic differences. It is unsettled which vital goods should be included as objects of the common overlayer. At this point, the overlayer lacks political force to host deliberations about

---

<sup>68</sup> Ibid, at 318.

common social goals and how these goals can be steered through frameworks enjoying higher levels of self-steering. They want for new politicisation more than for new institutions. This argument is further developed in Chapter 6, where I propose how this sense of commonness might be fostered and might help global society to elect top priorities to debate about, preserve and produce.

Humane governance, among other things, depends on the adequate protection of those goods that are globally shared, and upon their fair distribution through public services. In a report published by the United Nations Development Programme (UNDP), editors Inge Kaul, Isabelle Grunberg, and Marc A. Stern develop an anthology of global public goods. Among other things, they created a typology, and they explain the vital role played by global public goods in determining key areas for international cooperation in the 2000s. The editors conclude that:<sup>69</sup>

Up to now, global public goods consisted primarily of “traffic rules” between countries and such at-the-border issues as tariffs. But increasingly, the initiatives for international cooperation reach behind national borders. Global concerns are penetrating national agendas, and national concerns are becoming the subject of international debate and policy coordination and harmonization. Today, concrete outcomes and targets – such as disease control, pollution reduction, crisis prevention, and harmonized norms and standards – matter.

As the UNDP commissioned report explains, “... global public goods present an added rationale for international cooperation as well as for aid.”<sup>70</sup> Actually, international cooperation seems not to be enough, but rather global cooperation, which involves the several localities, communities, and their

---

<sup>69</sup> Inge Kaul, Isabelle Grunberg and Marc Stern (eds) *Global Public Goods: International Cooperation in the 21st Century* (Oxford University Press, Oxford, 1999) at Conclusions.

<sup>70</sup> Ibid, at 451-452.

demands as articulated at the transnational public sphere. Global public goods are goods that have “nonexcludable, nonrival benefits that cut across borders, generations and populations. At a minimum, the benefits of a global public good would extend to more than just one group of countries and not discriminate against any population group...”<sup>71</sup> According to global public goods theory:<sup>72</sup>

... Civil Society is an important part of it [of the global public domain and production of global public goods]. Many studies have analysed the growth and strength of civil society at the national, transnational, and international levels. Civil society is sometimes defined as the sphere through which people, individually or collectively, in groups or partnerships, influence, pressure, and resist the State and, increasingly, corporations. But definitions vary. The public is wider than civil society organisations, the nonprofit, nonstate actors that tend to take centre stage in these discussions. It also includes individuals, households, and families when they act in public on matters of shared concern. Moreover, the public, as perceived here, includes business. Although firms mostly act as market participants, they sometimes assume public roles when acting as corporate citizens. (citation omitted)

In addition, at the global level:<sup>73</sup>

A number of diverse actors define the public and contribute to the provision of public goods. These goods are public not in their consumption but in their provision, and they are no longer what they are often depicted as being in theory – State-provided goods. The State continues to hold the main coercive and legislative powers.

John G. Ruggie, pioneer social constructivist scholar in International Relations, provides a straightforward concept of the global public domain,

---

<sup>71</sup> Ibid, at 451-452.

<sup>72</sup> Inge Kaul, Pedro Conceição, Katell Le Goulven, and RU Mendoza *Providing Public Goods: Managing Globalisation* (Oxford University Press, Oxford, 2003) at Overview [“Providing Public Goods”].

<sup>73</sup> Ibid, at 8-9.

which he suggests needs to be “reconstituted”. By reconstituted, he means that the global public domain should be envisioned as:<sup>74</sup>

...away from one that for more than three centuries equated ‘the public’ in international politics with sovereign States and the interstate realm to one in which the very system of States is becoming embedded in a broader and deepening transnational arena concerned with the production of global public goods.

What Ruggie points out is a concern with the practice of global governance within an emerging, and generally ignored, new political and social context: a global public domain that is progressively arriving – “thinner, more partial, and more fragile than its domestic counterpart, to be sure, but existing and taking root apart of the sphere of interstate relations.”<sup>75</sup> He warns:<sup>76</sup>

... that political leaders and international relations theorists alike ignore the emergence of the new global public domain at their peril. Without it, one cannot fully understand recent developments... how profoundly the processes and practices of transnationalisation are transforming governance by embedding the very system of States in a broader framework of sociality.

As previously mentioned, despite the absence of dialogue about a broader constitution for the global public domain, the role of international law and transnational actors in the promotion of welfare has been enlarged.<sup>77</sup> Hence,

---

<sup>74</sup> JG Ruggie “Reconstituting the Global Public Domain – Issues, Actors and Practices”(2004) 10 (4) *European Journal of International Relations* 499 at 521. [“Reconstituting the Global Public”].

<sup>75</sup> Ibid, at 522.

<sup>76</sup> Ibid, at 521.

<sup>77</sup> IGOs, such as the WTO and the ILO, deal with public services in a varied of ways; historically they have directly engaged with public services by providing technical assistance or suggesting interventions that often constrain the autonomy of national bureaucracies. Whether or when these interventions are legitimized becomes part of the question of “how to steer in an increasingly complex world?” One useful exercise is to expose the roles played by international law and interstate organisations dealing with public policy and service delivery, which will be the object of Chapter 2. Anne Mette Kjær *Governance: Key Concepts* (Polity Press, Cambridge, 2004) at 6.

new governance mechanisms have been put in place without having an adequate political environment or a conducive environment for effective hybrid partnerships to develop.

The global public context has been largely ignored by policy-makers, scholars, public administrators: key actors in the practice of global governance. Also, he argues that “no shared pragmatic understanding at all exists” about the weight that the institutions of global governance occupy in this landscape.<sup>78</sup> Yet a global public domain is emerging as a powerful reality; and within it, there is a global public sector formed by international and transnational actors working with public goods and public services. This emerging global public sector is, for example, concerned with providing services that secure the control of epidemics and researching and strategising the provision of clean energy and the access to potable water for all.

Part of the problem is that scholars know little and research little about the global public sector while many types of services and social policy-types of activities take place. In fact, high activity related to public services at the global domain requires more clarity about global law, ethics and politics. Nevertheless, governance scholars and practitioners alike have invested more time and attention looking at how to increase activity than at how to build a favourable context for these activities to take place.

More and more global governance policies and programmes are developed worldwide, affecting rich and poor countries, and little is done to instil global ethics and global public values in global social governance. It is almost a backwards movement, which often happens: policies and programmes are

---

<sup>78</sup> Ibid.



implemented before an adequate legal and political context is built to host these policies.

Constructing the global public domain requires, at first, that global publicness be understood beyond a global justice aspiration and beyond an international provision of social goods and services, as a result of international development. For example, when I refer (throughout the thesis) to the terms *global public status*, *enhanced global publicness*, or *under global public terms*, I refer to:

- increasing awareness about the fact that certain public services have been provided at the global level;
- increasing awareness about the fact that certain public services urgently need to be made available worldwide (in rich and poor countries);
- nurturing global ethical principles of interconnectedness, solidarity, human rights, and social justice forms of redistribution as reasons for joint action;
- availability of operational processes that help networks to do more of self-steering – making these processes more ethically, politically, and operationally open;
- empowering transnational actors engaging with global governance in public services;<sup>79</sup>

---

<sup>79</sup> In Chapter 6, I talk further about global publicness and the need to find alternative ways to validate the expression of choice of global constituencies, as those who are connected through the creation and recognition of political capacities outside territoriality and around multiple affiliations (i.e. feminist, by race, by sexual orientation, by religion). The affiliations that I am most concerned with are those which have a bearing in public services, for instance, the global homeless who are in need of a home; racial minority students who have fewer opportunities to

- creating forms of assessing political responsibility of global actors, enhancing how much they work for the public.

These proposed ways of enhancing publicness in global governance are organized and synthesized in 5 groups of recommendations in the last chapter, Chapter 6. These recommendations are key elements of the choice made in favour of maturity approach, which is a creative, values-based approach to advancing global governance.

#### *IV Linking Concepts: Global Publicness and Global Governance*

Generally, alleged positive relationship between global social governance and global publicness has been overlooked in the governance literature. The relationship has recently received more attention, given attempts to promote global governance as the means to deal with world social problems. Both the language of global publicness and the language of public services, however, continue to be underused in global governance theory and practice.

For example, can elements of global publicness be inferred from James Rosenau's normative writings of the early 1990s?<sup>80</sup>

---

receive higher education around the world, and groups who need specialised care and medication regardless of nationality, such as drug addicts in regards to HIV prevention. For more on multiple affiliation see Amartya Sen in Amartya Sen "Violence, Identity and Poverty" (2008) 45 Journal of Peace Research 5.

<sup>80</sup> Both professors, James Rosenau and RAW Rhodes, wrote extensively on the issue of governance. The former was a pioneer in thinking about and conceptualising global governance in International Relations. The latter was a pioneer in documenting governance practices in public administration that were transforming the way public services were provided. They started their work on governance in the early nineties and kept writing. Their early pieces – James N. Rosenau "Governance, Order, and Change in World Politics" in James N. Rosenau and EO Czemiapl (eds), *Governance without Government: Order and Change in World Politics* (Cambridge University, Cambridge, 1992) and RAW Rhodes "The New

Three past events can be associated with new theory that emerged in the 1990s. They are the increasing visibility of world inequality and a new global ethical discourse that partially emerged from such visibility, as pointed by Luard and Falk; the increasing inter-dependencies among States, rich and poor, concerning their prosperity or hardship; and increasing awareness about this fact. The vision that Rosenau advanced of global governance in the early 1990s in large part materialised itself and expanded through the work of transnational networks. This practical expansion now requires further consideration about consequences for publicness.

The lack of a central authority in global governance (which is materialised through networks and partnerships) should not prevent publicness from being constructed in global governance. In fact, lack of central authority reinforces the argument in favour of publicness in governance. As a process that is steered from within, global governance has the likelihood of being more open and socially owned than those processes that are in the hands of central cells of authority. The theoretical postulation of acts of global governance as global public interprets publicness as *openness*. Openness relates to access to the truth, or appearance (in the sense of capacity to come forward) of the truth. Hanna Arendt explains that things public can be “seen and heard by everybody and has the widest possible publicity.”<sup>81</sup> Self-steering provides an outlet for things to be better seen and heard by those directly involved with social policy and service provision. Doing more self-steering is one step towards enhancing

---

Governance: Governing without Government” (1996) XLIV Political Studies 652 are considered foundational, original theory on governance. We draw heavily from these two pieces and from Rosenau and Rhodes’s more recent work, often clarifying, contrasting or deepening theoretical nuances offered by them in the early 1990s.

<sup>81</sup> Hanna Arendt *The Human Condition* (5th ed, The University of Chicago Press, Chicago, 1969) ch II, at 50.

global publicness, and towards effectuating the vision that theorists portrayed for global governance in the 21st century. Global publicness is associated, in part, with the capacity of networks to do better and more self-steering. Self-steering is a key feature of Rosenau's scholarship. Rosenau advocates that more capacity to steer should be fostered and placed at the hands of civil society.<sup>82</sup>

Global publicness, paraphrasing Arendt, may help society to feed *a need for reality*. For this to happen the success of self-steering networks depends upon the existence of a "public realm into which things can appear out of the darkness of sheltered existence ..."<sup>83</sup> Thus the existence of self-steering mechanisms at the global level may only benefit from the consolidation of a global public domain, and vice-versa.

A reconstituted global public domain (one which is made by actors working for the public and that are not only interstate organisations) facilitates, at a minimum, that action related to the global social realm can appear out of the shadows of the State and of international decision-making. In other words, the creation of global publicness enables the 'social' to find its political form outside the nation-state, enabling a richer, more genuine self-steering experience. Self-steering seems more meaningful when it refers to a diverse social realm (i.e. a diverse transnational network that counts with State and

---

<sup>82</sup> See both JN Rosenau "Governance, Order, and Change in World Politics" in James N. Rosenau and Ernst Otto Czempiel (eds), *Governance without Government: Order and Change in World Politics* (1992), and JN Rosenau "Governance in the 21st Century" (1995) 1 *Global governance* 13.

<sup>83</sup> Arendt, above n 81, at 51.

nonstate actors, for instance) in which the objective of the group is to do and achieve something necessarily together. Thus it is a public objective.<sup>84</sup>

Although Rosenau does not develop or adopt the language of global publicness, his ideas on self-steering as a constitutive element of global governance helps me think about it. First, one knows that Rosenau's global public domain does not have a centre of authority (a government). Second, that global governance does not refer to rules made in traditional ways (i.e. national or international legislative processes.) Thus, it is possible to infer that global governance is propelled by facts and values that have emerged with globalisation processes, for better or worse. These inferences, at a minimum, question the position of publicness as associated with statehood. Besides, these inferences signal that Rosenau also situates aspects of publicness through the many levels of global governance.

Relocating aspects of publicness advances, rather than disrupts, the vision put forward by Rosenau. It is relevant therefore to highlight three criteria for the materialisation of global governance chosen by Rosenau. They shed light into the question of how systems of rule are maintained without one public authority, but with many sources of publicness, and they are:<sup>85</sup>

[(1)] intersubjective consensus based on shared fates and common histories,

[(2)] the possession of information and knowledge,

[(3)] the pressure of active or mobilisable publics.

---

<sup>84</sup> Ibid, at 28.

<sup>85</sup> Rosenau, above n 11, at 14-18.

These three criteria become relevant since they tie together the heterogeneous groups that populate the global public domain.<sup>86</sup> Rosenau's analysis is concerned with the exponential rise of control outlets; with the scaling up of organisations (in number and scope); and with how to maintain the original characteristics of global governance amidst so many new actors. This concern, in a sense, is a concern with building global publicness.

In terms of the relationship between enhancing self-steering, global publicness and global governance, Rosenau only touches upon it. He suggests that global governance mechanisms are more likely to succeed if bottom-up, as a means to "evoke the consent of the governed" and respect the "shared needs of groups."<sup>87</sup> In this fashion, the author connects effectiveness in global governance with the honouring of public objectives.

Global public objects have been more frequently debated after the creation of MDGs. There has been a need to advance shared needs of larger groups to respond to world inequality, which grows faster than domestic wealth gaps.<sup>88</sup> This demand has opened opportunities for a range of actors to work with public services. However, the creation of demand for more public services has not been enough to address fundamental matters that dwell on when, or under which political and legal terms, nonstate actors should make global social policy. Questions about which policy issues and services should be made global public, going beyond the individual jurisdiction of governments or any single IGO, also remain unanswered.

---

<sup>86</sup> Rosenau, above n 11, at 14-18.

<sup>87</sup> Rosenau, above n 11, at 14-18.

<sup>88</sup> Luard "Globalisation of Politics", above n 61.

Even if representative democracy were a perfect governing system, the State and inter-state systems would not suffice. The new social and economic demands generated by globalisations indicate that new political solutions are needed, even when and if nation States performed excellently. The lack of systems of representation at the global level should not be seen, therefore, as a reason for the de-legitimation of global governance activities, especially in the context of public services. For instance, the reason why I clarified the concept of global governance with emphasis on the element of self-steering was precisely to show that legitimation in global governance resides upon the bonds that bring people together to work for a common objective. Doing more of self-steering both shapes and constructs the political, ethical and operational elements of global publicness. Yet attributes of global publicness (those that make more of self-steering available in global governance in public services) need to be further identified, spotted in action, and attached more often to global governance processes, in hopes that “the existing global weak public can be optimistically interpreted as a ‘strong public in the making.’”<sup>89</sup>

### *V Global Publicness in Governance: Forces that Advance it or Reduce it*

In addition to clarifying and linking concepts of global governance and global publicness, this chapter discusses aspects of the global level that have transformed acts of governance in the social realm.<sup>90</sup> These aspects, also called

---

<sup>89</sup> H Brunkhorst “Globalising Democracy Without a State: Weak Public, Strong Public, Global Constitutionalism” (2002) 31 Millennium – Journal of International Studies 675 at 675.

<sup>90</sup> I build upon considerations of global publicness made by authors studying new forms of publicness. Specifically, I draw from the work of Janet Newman and John Clarke, Charles Tilly and Craig Calhoun. For more information on considerations of new publicness (which

forces, help shape the ethics of the global overlayer and also the operational strategies that global actors adopt when making social policy. Consequently, these forces are intimately related to the extent of global publicness that mechanisms of global governance enjoy or may enjoy.

Only a few attempts have been made to understand the actors working with public services at different levels of an enlarged scale of organisation, the multi-level global domain. In addition, little is known about whether actors should be considered always private, public – including global public – or hybrid (which is the case in public private partnerships or PPP). More knowledge is needed about these actors and, I argue, about the types of forces that may enhance or reduce the global publicness of their acts.

There are several forces interfering with publicness in the 21st century. These inexorably affect global governance. In fact most of the forces that are generally associated with the study of global governance are actually forces that disrupt publicness, and because they disrupt publicness, they impact upon public services. These forces range from ideological matters, to legal frameworks, to implementation issues.

I highlight these forces, which are often discussed by theorists or observed by researchers, who investigate global social policy or sectoral global governance:

---

differ from New Public Management) see generally Craig Calhoun “Rethinking the Public Sphere” (presentation to the Ford Foundation, New York, 2005); Newman and Clarke, above n 3; and Andreas Koller “Charles Tilly, Pragmatism, and the Public Sphere (presentation to the Social Science Research Council, New York, 2008).



### *5.1 Multiples Forms of Globalisations*

World integrated systems go back as far as the 1800s. On the other hand, globalisation as we know it, including its very terminology, is a complex and contemporaneous manifestation.<sup>91</sup> Most disciplines consider specific aspects of globalisation, especially economic globalisation, which refers to the facilitated cross-border movement of capital, goods and services via the integration of national economies. In Global Social Policy (GSP) studies, for example, globalisation is rather seen as a “shrinking of time and space”, which can embrace any of the many dimensions that commentators attribute to globalisation.<sup>92</sup> GSP is concerned with the effects of globalisation in the creation of social policies, which are of public nature.<sup>93</sup>

Globalisation is also referred to as a phenomenon of economic interdependence, which creates several challenges to civil society, such as “the continued impoverishment of much of the world and the unused human potential that entails, and the increased realisation of the threats to the environment and thus to planetary survival.”<sup>94</sup> This view of globalisation generally refers to the globalisation of economies and the potentially harmful interdependencies that this globalised economic system imposes in smaller countries, markets, the working class and the poor. In fact, economic globalisation critiques have been so widespread that they engender a counter-

---

<sup>91</sup> TH Eriksen *Globalisation: The Key Concepts* (Berg, Oxford, 2007), at 5.

<sup>92</sup> For the origins of GSP as a field, see Deacon, above n 5.

<sup>93</sup> Deacon, above n 5, at 8.

<sup>94</sup> Commission on Global governance *Our Global Neighborhood: the Report of the Commission on Global Governance* (Oxford University Press, Oxford, 1995), at 6 [“Commission Report”].

globalisation movement that highlights other forms of globalisations, which are supposed to tame the negative social effects of economic globalisation.

Independently of whether the collective outcomes of globalisations are negative or positive, multiple forms of globalisations have changed some of the key challenges governments face and the environment in which governments govern, thus transforming the way certain public services are designed and delivered.<sup>95</sup> In large part, scholars working in specific sectors, such as global education, analyse the effects of economic and cultural globalisations, rather than other forms, such as the globalisation of human rights discourses.

The globalisation of human rights discourses has reinforced the need to universalise services such as primary education, which is now widely accepted as a right of every child, around the world. Another example relates to the globalisation of technologies. The internet has helped to expose the lack of quality and unevenness of health services in different neighbourhoods, countries, and regions of the world. This has provoked a need for implementing global quality standards and high-tech health services. These examples are just a sample of the impact that multiple forms of globalisations

---

<sup>95</sup> Changes in the public sector occupied theorists who compared modern governance of public services, as initially designed by Weber, with the transformed public sector widely recognised and consolidated in the 1990s. According to modern understandings of an ideal bureaucracy, “public and private interests are completely separate.” In the late 20th century, the blurring of the private and public line was predominant as a discourse. Bureaucracies suffered from severe criticisms and were labeled inadequate and inefficient. Global governance in public services denotes yet another change in the operation of the public sector and also in the perceived role of the bureaucracy and who it represents. This contemporary change in public services is not, however, considered a post-modern project, since it aims at revitalizing many aspects of Weberian prescriptions at another jurisdictional sphere. For more information on the fall of the Weberian model, see generally Anne Mette Kjær *Governance: Key Concepts* (Polity Press, Cambridge, 2004).

have had on policy-making, on service delivery and on the role of international and transnational actors, which have become active organisations in creating new forms of governing the globalised social realm.

Yet these changes are generally described as a continuation of 1980s and 1990s public sector reform led by national governments. I argue that global actors have had more impact upon public services than what has been accounted for in the literature. Little we know about the impact of IGOs and transnational NGOs in national public sectors; much less is known about the aggregate impact of global actors upon global public services such as global health, and there is no integrated analysis of the efforts that may constitute a global public sector.<sup>96</sup>

As a consequence, the late 20th century methods of domestic governance, which recommended efficiency through outsourcing and fixed benchmarks, are no longer suitable for specific policy areas.<sup>97</sup> This viewpoint resembles the normative project expressed by the report entitled *Our Global Neighborhood*, written by the UN GGC in 1995. The Commission, even if following a western-liberal view of the world, made clear that the current view of public administration is no longer adequate.<sup>98</sup> Not surprisingly, the Commission's

---

<sup>96</sup> Especially in the developing world, where 1990s and 2000s reforms were influenced by development projects championed by Western developed countries, local administrators continue to work without awareness of public service change as influenced by the global level. Local administrators should be able to reassess the challenges and opportunities raised beyond the State. A reassessment requires a two-fold approach: a) it requires a better understanding of how supranational governance has affected public services thus far, and b) how global normative ideas, rules and regulations change the way national and global actors debate and bargain over, design or deliver services in specific areas.

<sup>97</sup> Mark Bevir, RAW Rhodes and Patrick Weller "Traditions of Governance: Interpreting the Changing Role of the Public Sector in Comparative and Historical Perspective" (2003) 81 Public Administration 1.

<sup>98</sup> Commission Report, above n 94.

propositions gained momentum with the accentuation of the environmental crisis and the rise of pandemics, such as HIV/Aids, Ebola virus, and the bird flu. These challenges cannot be dealt with outside of an international cooperative format and are accelerated by globalisations. As such, they are also systemic risks.<sup>99</sup>

To control these globalised risks and increase the welfare of a gradually more mobile population, the report suggests that in health and environmental sectors, among others, governance values that derive from a private orientation, or are business-like as New Public Management, should not prevail.<sup>100</sup> In certain policy areas, public values and global processes should take precedence, and be prioritised via cooperative governance schemes at the global and domestic levels. At least discursively, this orientation has been increasingly supported at the global level and exacerbated by forms of globalisations that are understudied when compared to economic globalisation, such as the globalisation of human rights discourses and of culture.

In terms of globalisation of culture, there are two different normative transformations happening. If and how these transformations change social behaviour and influence social policy is unknown. For instance, Mohamed Wahab explains that:<sup>101</sup>

---

<sup>99</sup> For a discussion on systemic risk as a concept widely used in global governance and related to other important concepts such as spillovers and interconnectedness, see Chapters 4-6 below.

<sup>100</sup> Commission Report, above n 94, at 27.

<sup>101</sup> Mohamed S. Abdel Wahab “Cultural Globalisation and Public Policy: Exclusion of Foreign Law in the Global Village” in Michael Freeman (ed) 8 *Law and Sociology: Current Legal Issues* 2005 (2006) at 363.

Culture has interacted with all other globalisation trends and reacted in two contrasting ways: (a) acceptance of a new global culture, and (b) rejection of a total loss of cultural identity as an expression of a distinctive group of individuals which thus strengthens localization.

Several of the inclusion policies we have or do not have today may be a result of the tension between globalisation and localisation, but we do not actually know the extent of the effects of this tension. The global-local dimension is discussed in academic analyses of globalisation and governance and in high-level talks about current and future global social policy.<sup>102</sup>

Specifically, the impact of the global-local divide upon social policy may be even less visible to the general public. The State's discourse about the monopoly of social policy-making is still predominant, and many of the reforms, even if decided supranationally, have happened behind closed doors. For instance, high-level talks about the implementation of a global social floor to provide basic services to the most vulnerable is taking place among the organisations part of the United Nations Development Group (UNDG).<sup>103</sup> The Millennium Development Goals (MDGs), which have impacted on basic services around the world, have been accused of representing benchmarks set behind closed doors. Barbara Crossette reporting on the MDGs and reproductive health explains that "The Millennium Development Goals evolved through a series of steps taken first by the Secretariat and then by diplomats." She also explains that:<sup>104</sup>

---

<sup>102</sup> UN Economic and Social Council Chief Executives Board Annual Overview Report of the United Nations System Chief Executives Board for Coordination for 2008/2009 (2009).

<sup>103</sup> UN Economic and Social Council Chief Executives Board Annual Overview Report of the United Nations System Chief Executives Board for Coordination for 2008/2009 (2009).

<sup>104</sup> Barbara Crossette "Reproductive Health and the Millennium Development Goals: The Missing Link" (2005) 36 *Studies in Family Planning* 71 at 72.

...more streamlined procedures also meant, however, that those delegations who would have fought hard to include reproductive rights and services had limited input. More important, nongovernmental organisations and even government experts were barred entirely from the process of drafting the Declaration.

It is important to remember that the Millennium Declaration (MD), nonetheless, is said to have engendered a deeper social commitment in the minds of heads of State upon the time of signature.<sup>105</sup> And it has also changed the discourse within the UN about how to go about their development work, which since the signature of the MD has been following principles of devolution to the local level. Yet the process of the MD in itself has felt short from being inclusive, leaving out small official delegations of weaker States and nonstate actors.

Although the MDGs project has reproduced old institutional habits, MDGs have helped to define the global public sector, provoking important policy and technical changes. In fact, MDGs-related changes reflect similar welfare changes that have been observed in the late 1990s, as a result of multiple globalisations. Globalisations provoked changes that range from having other nonstate players making social policy and debating guidelines and regulations in regional and global settings to territorial-base obligation and entitlements challenged and/or extended at the global level.<sup>106</sup>

---

<sup>105</sup> Helen Clark "The Millennium Goals: Ten Years Down, Five to Go" (speech to the general public at the Christchurch Cathedral, Christchurch (New Zealand), 2010).

<sup>106</sup> Deacon, Hulse and Stubbs, above n 5, at 9-10.

## ***5.2 Glocalisation***

Glocalisation refers to internal globalisations that transform people's everyday lives.<sup>107</sup> Glocalisation was a concept designed to address the effects of globalisations upon people's identity, which can shape as both global and local.<sup>108</sup> Similarly, I am most concerned with glocalisation as a tool to shape the characteristics of social services as both global public and locally-driven. I am also interested in glocalisation because, as it influences identities, it influences relationships and dialogues taking place between supranational organisations and communities situated at the lowest level of the global spectrum.

It is important to draw a relationship between glocalisation and global publicness. These two concepts are closely associated because local communities are supposed to be agents of global governance, not mere beneficiaries. Glocalisation as an analytical concept can help to make sense of local agency as part of global governance.

From a global governance perspective, communities are seen as important agents in the steering of policies and practices that affect them directly (referring, thus, to self-steering.) In addition, glocalisation refers to the potential ability of communities to engage in global governance along with international and transnational institutions. Glocalisation, thus, refers not only to the relationships between local and global, but also to how gaps that exist between local and global may be bridged, engendering real experiences of self-steering.

---

<sup>107</sup> V Roudometof "Transnationalism, Cosmopolitanism and Glocalisation" [2005] *Current Sociology* 113 at 114.

<sup>108</sup> *Ibid*, at 127.

Addressing the problem of organisation scale is one of the biggest challenges in building global publicness and strengthening global social governance. Glocalisation can be useful in the understanding of why local action matters, hence, contributing to enhancing self-steering and to creating frameworks that can bridge actions across levels of governance.

### ***5.3 Liberalisation of Services***

Tendencies to liberalise the State continue to inform public service reforms. Savoie, in the context of domestic governance, explains that:<sup>109</sup>

Without doubt, national civil services in most Western countries have been subjected to more reform measures during the past twenty years than any comparable political or administrative institutions. This is new. ...

The signs of real change, however, are now everywhere. Many national civil services are – at least as traditionally defined – smaller than in the past; appointments to senior positions no longer go to those who have come up through the ranks of a department; new organisations to deliver services have been established. The list goes on.

Effects of liberalisation at the global level are even more complex and multi-layered than the effects of in-state liberalisation. Economically liberal practices have been expanded through economic globalisation, which is associated with both losses in quality and quantity of public services around the world and with the exacerbation of “world inequality.”<sup>110</sup>

Liberalism has also been associated with the emergence of PPPs, which have worked with international organisations and national bureaucracies to provide

---

<sup>109</sup> D Savoie “Introducing the Topic” in Guy Peters and D J Savoie (eds) *Governance in the 21st Century: Revitalizing the Public Sphere* (McGill-Queen’s Press, Canadian Centre for Management, 2000).

<sup>110</sup> Ibid, at 82.



public services, ranging from basic health care to popular housing. Many researchers, however, have showed that PPPs may not be a product of liberalising practices, such as the adoption of NPM practices. PPPs may or may not work as service-provider working for profit; they may or may not work to meet efficiency benchmarks; and they may or may not be associated with political and legal changes, such as the globalisation of human rights and the popularisation of social and economic rights in industrialized democracies.<sup>111</sup> In any event, PPPs have absorbed a good portion of the services that have been contracted out by the nation-state, contributing to liberalisation in public services.

The use of NPM by PPPs or other actors working in global social governance should raise concerns.<sup>112</sup> NPM has been used beyond national governments fuelling regional or global strategies.<sup>113</sup> I argue that NPM is rather operationally inadequate for global governance in public services.

Since the 1980s, NPM has been responsible for much of the public sector transformation at the domestic level. With NPM, private sector's values and methods, such as competition and measures of performance, have changed the way by which public services are delivered (rowing) and the way that policy decisions are made (steering) at the national level.<sup>114</sup> These values and methods are each day more ingrained in the public sector of developed countries and, slowly, make their way to influence the work of international

---

<sup>111</sup> Michael Reich "Global Health Governance" in Michael Reich (ed) *Public Private Partnerships for Health: Partnerships for Public Health* (Harvard Center for Population and Development Studies, Cambridge (Mass), 2010) at 169-170.

<sup>112</sup> Rhodes, above n 21.

<sup>113</sup> Economic Commission for Africa, above n **Erro! Indicador não definido..**

<sup>114</sup> Ibid, at 655.

actors, which, in turn, heavily influence public sector reforms in the developing world. NPM, thus, adversely interacts with the ethos highlighted, for example, by the Commission on Global Governance (CGG) by artificially exporting business values and domestic modes of governance to countries that are economically, politically and culturally different, and to issues that are by-definition public.

Despite its two decades of prominence among practitioners, NPM as a mode of global governance (or liberalisation of services as a general trend in public administration) may face intensified challenges in years to come. Encouraged by the 2008 economic crisis, and picking up upon counter-globalisation movements, there is a renewed interest in reinforcing public values, policy and publicity of affairs that concern social life. This was made clear by the United Nations Chief Executives Board (CEB), which has suggested new policy around creating an universal global social floor to respond to the social challenges created or exacerbated by the 2008 global economic crisis.<sup>115</sup> The type of debate about a global social floor that was initiated in 2008 by the United Nations Chief Executives Board is unprecedented at high-level international talks.

It is wise to build upon this momentum to revitalise publicness at the domestic level and to argue for more publicness at the global level. Arguing for publicness in global governance is to argue for a values-based outlook that requires “an appropriate political language, as well as an explicit rejection of

---

<sup>115</sup> More on the universal social floor and the response of the Chief Executives Board will be discussed in Chapter 2. International Labour Organisation and World Health Organisation *The Social Protection Floor: A Joint Crisis Initiative of the UN Chief Executives Board for Co-ordination on the Social Protection Floor* (2009) ["ILO and WHO's Social Floor"].

inappropriate language”<sup>116</sup> to guide policy-making related to public services. Liberalisation, especially through the popularisation and wide use of NPM, is likely inappropriate language and guidance for global social governance.

#### ***5.4 International Development and “Good Governance”***

In the field of international development, especially after the establishment of the MDGs, the concept of good governance started to be attached to the performance of global social policies.<sup>117</sup> Good governance does not contribute to enhancing global publicness in global governance because it focusses almost exclusively on how states perform and achieving development benchmarks.

Governance as good governance is indigenously related to *projectisation* discourses that emerged at the international level to facilitate reforms within developing countries. In other words, good governance is the criteria used by IGOs making social policy through development policies. For the World Bank (WB) good governance involves:<sup>118</sup>

...an efficient public service, and independent judicial system and legal framework to enforce contracts; the accountable administration of public funds; and independent public auditor, responsible to a representative legislature; respect for the law and human rights at all levels of government; a pluralistic institutional structure, and a free press. (citation omitted)

Whether good governance always acquires the same meaning is debatable. Good governance can be achieved through different methods. As previously

---

<sup>116</sup> Falk “Humane Governance”, above n 125, at 207.

<sup>117</sup> The UN Millennium Project *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals* (Report to the UN Secretary-General, New York, 2005).

<sup>118</sup> Rhodes, above n 21, at 656.

mentioned, it can also be associated with humane governance. Humane governance wants to advance communitarian and global values, such as environmental preservation of the global commons and end of wars.<sup>119</sup> However, when commentators and policy-makers refer to good governance they primarily refer to principles similar to those put forward by the World Bank, which follows NPM. For this reason, I avoid using good governance as related to global governance frameworks.

By using good governance standards, states are forced to focus on fixed targets and benchmarks, rather than on the causes of social problems (many of global scope) that make supranational help necessary in the first place. In addition, the responsibilities of nonstate and international actors engaging with public services and helping to meet benchmarks are overshadowed by a focus on monitoring and improving State performance. In this sense, good governance criteria shadow realities that should be brought into the global public domain. They also reinforce a belief that States are still responsible to run all things public, and that they can do so within its borders.

Scholars and practitioners have engaged little with questions about if and how good governance standards help to derail attention from the global dimension of social challenges to exclusive country-level responsibilities. In fact, a robust body of critical analyses on the use of good governance in global social policy is yet to develop. I discuss more about the overuse of the development and good governance frames to hold supranational social governance strategies in Chapters 2 and 5.

---

<sup>119</sup> Richard Falk "Humane Governance for the World: Reviving the Quest" (2000) 7(2) Review of International Political Economy 317, at 348.

### ***5.5 International Human Rights***

The global level has experienced a normative transition propelled by the UN summits and conferences of the 1990s and 2000s,<sup>120</sup> based upon which the Millennium Declaration (or MD, or “the Declaration”) was drafted. The Declaration emphasises social and economic human rights. The Declaration, when signed, was considered a ground-breaking document towards reducing world inequality (instead of focussing on intra-state inequalities).<sup>121</sup> While the Declaration is a limited instrument (it does not bind the parties and its language is general and vague), it should be regarded as one of the symbols of a normative transition detected at the UN, at least, at the discourse level. This normative transition was advanced by a prior movement in favour of the justiciability of international human rights claims, especially economic and social rights at the international and national levels. In addition, reasons for drafting the Millennium Declaration can be linked with recognition of the universality of human rights, which can be inferred from the text of the Declaration itself.<sup>122</sup>

Globalisation of human rights discourses has propelled further changes across the global level: it has been transformative within the UN, and more timid, but rather significant at the UN-System, which includes specialised agencies and financial institutions.<sup>123</sup> Without resolving the question of whether a rights-

---

<sup>120</sup> United Nations Department of Economic and Social Affairs Office for ECOSOC Support and Coordination "Achieving the Internationally Agreed Development Goals: Dialogues at the Economic and Social Council" ( UN ESCOR, New York, 2005) at 184.

<sup>121</sup> For more information on the Millennium Declaration, see Chapter 2. *United Nations Millennium Declaration* GA Res 55/2, A/55/L.2 (2000).

<sup>122</sup> *United Nations Millennium Declaration* GA Res 55/2, A/55/L.2 (2000).

<sup>123</sup> When I refer to the UN system or family, I refer to all the agencies and bodies laid down in Art.57 of the UN Charter. I also use the organizational chart made available by the UN, which

based approach to global governance in public services is or is not the best, it is helpful to ask: has the human rights framework influenced relocation of social services from the national to the global level? Has human rights discourses promoted more publicness in global governance?<sup>124</sup> These questions will be further analysed in Chapter 2. For now, it is important to highlight that human rights discourses in general, and the Millennium Declaration in particular, have not been investigated enough from the perspective of their potential to change values, influence the work of policy networks, of national governments and of other institutions working with global social governance.

Human rights and global justice scholars have previously prescribed global public values, similar to those enshrined in the MD, as vital to an ideal vision of global public domain, as the context for global governance to operate. For instance, Falk, following a cosmopolitan tradition, proposes that a better society can only be achieved if the opportunities created by globalisation be used in favour of a type of governance that is “humane.” He explains that:<sup>125</sup>

---

includes as part of the system, specialised agencies and international financial institutions. “The United Nations System” (2007) United Nations <  
[http://www.un.org/aboutun/chart\\_en.pdf](http://www.un.org/aboutun/chart_en.pdf)>.

<sup>124</sup> For a detailed analysis of the UN operations in public services, see Chapter 2.

<sup>125</sup> R Falk *On Humane Governance: toward a New Global Politics* (Pennsylvania State University Press, University Park (Pennsylvania) 1995), at 46 [“Humane Governance”].

the focus on humane governance emphasizes the importance of governance for the entire planet and its people. As such, it relies on global constitutionalism both to overcome the negative features of geopolitics as currently operational and to construct a positive form of world order. The stress on global constitutionalism encompasses both the democratising agenda of bringing law and popular participation to bear upon policies that control the exercise of economic and political power, and the extension of regional and global institutional capabilities to address functional problems of environment and equity.

It is hard to think about a global public domain without including in its constitution international human rights. International human rights have started as a product of the interstate system and as of hegemonies inside of this system. Currently, it serves as a platform for mobilisation of many transnational actors, in the Global South and in the Global North.

International human rights have played an important role in the building of an improved world order. In fact, it has materially advanced quality of life by propelling the development of global services that are able to make possible the realisation of, especially, social and economic rights. This is true even if the provision of services supranationally has not been linked with human rights obligations or with specific human rights frameworks (for example, the right to food framework).

### ***5.6 2005 and 2008 Economic Crises***

In the aftermath of the 2005 economic crisis, philosopher Milton Fisk called for strengthening public goods. In his words the goal should be “reinvigorate and expand public goods as the negative reaction to neoliberal globalism

deepens. The opportunities offered for pursuing this goal by the collapse of Enron and of the Argentine economy needs to be seized.”<sup>126</sup>

The opportunities to reinvigorate public goods both at the global and national levels did not have much traction until the even larger economic crisis of 2008, which propelled a deeper debate about social governance and a renewed conversation about the need for a global social floor, universal pensions and a global redistributive tax, such as the Tobin Tax.<sup>127</sup>

The severity of the 2008 crisis, which did not spare the middle classes of the US or Brazil or Europe, created an opportunity to discuss a global public sector that would attend to people’s needs, regardless of their nationalities and of their countries’ stages of development. The 2005 and 2008 economic crises challenged countries’ status as developed or developing, exposing a wider scenario of underprovision of public services, from lack of health care to lack of jobs to lack of housing. This exposure served as an unprecedented opportunity to discuss public provision beyond the state.

### ***5.7 Transnational Civil Society***

Transnational civil society – often represented by networks of a range of organisations from civil society, such as grassroots, faith-based, transnational NGOs – has recently been recognised as a powerful force shaping acts of

---

<sup>126</sup> Milton Fisk “Global Public Goods and Self-Interest” in ED Boepple (ed) *Sui Generis: Essays Presented to Richard Thomas Hull* (Bloomington, Author House, 2005) at 13-22.

<sup>127</sup> For more on the universal social floor, see Chapter 2. For more on the Tobin Tax and universal pensions, see Tobin Tax, see M Haq, I Kaul and I Grunberg *The Tobin Tax: Coping with Financial Volatility* (Oxford University Press, New York, 1996).



governance.<sup>128</sup> The ways these actors exercise authority and their relationship to publicness, nonetheless, are not clear. Specifically, the extent of their impact upon specific global governance mechanisms working with public services is also poorly understood.

The spread of social constructivist theories and from-below approaches to governance helps to advance research about the role played by transnational civil society in global governance. In addition, mechanisms of participation have been implemented inside of traditional institutions such as the World Trade Organisation (WTO) and World Health Organisation (WHO).<sup>129</sup> However, transnational civil organisations working with public services are far from being recognised on a par with international organisations. They are not regarded as constitutive actors of the global public domain, even if they are already vested in activities that are of a public nature, like provision of welfare services.

Ignoring or downplaying the public role exercised by transnational civil society in the global public domain may increase the challenges of global governance in public services. Recognising the public role undertaken (or that should have been undertaken) by transnational networks may facilitate acts of governance.

Participation of transnational civil society in global governance does not guarantee successful results. While the presence of nonstate actors in acts of governance is at the core of global governance theory, it is neither necessarily

---

<sup>128</sup> AM Florini (ed) “The Third Force: The Rise of Transnational Civil Society” (The Brookings Institution Press, Washington DC, 2000). For more on the input of transnational organisations in WHO policy-making, see Chapter 4.

<sup>129</sup> Ibid.

a sign of success nor what makes global governance innovative. Newness in global governance is too often attributed to the presence of nonstate actors in acts of governance, whereas historical analyses have already demonstrated that participation of nonstate actors in social governance dates from centuries ago.<sup>130</sup> While this participation has taken place for centuries under the rubric of philanthropy, a broader debate about how, and by whom, public services should be provided was initiated by public administration scholars in the 1980s, who observed the decline of the welfare State via, among others, privatization practices.<sup>131</sup>

A different type of engagement with transnational civil society – engagement in global public terms – is a key factor for increasing the chances of having successful global governance in the public service context. The issue here is that most global governance mechanisms engage, at some level, with transnational civil society, but not in the most productive way. The lack of recognition of organisations such as networks of grassroots movements as global public actors may discourage transnational networks from fulfilling their missions, as it opens up opportunities for fraudulent networks to emerge, given that there are no political responsibilities attached to the work of transnational networks. This type of lack of recognition and scepticism about the global publicness of networks, which is sometimes shared by the networks themselves, is a symptom of the fact that transnational networks and other NGOs are still classed and understood under a model of private rules and

---

<sup>130</sup> Kelly Loughlin and Virginia Berridge “Global health Governance: Historical Dimensions of Global governance” (Discussion Paper n.2 Department of Health and Development World Health Organisation, 2002) at 11.

<sup>131</sup> RAW Rhodes “The New Governance: Governing without Government” (1996) XLIV Political Studies 652.

behaviour. Although this fact represents a barrier for global governance projects that want to successfully deliver public services, the growth of transnational civil society is undeniable and it helps shape the global public domain. It is now the time to take advantage of the momentum, the energy, and the infra-structure that emerged with the rise of transnational civil society in the 1990s, making it public.

Constructivist scholars claim that the dynamics of international relations are socially and historically dependant, consequently, international relations are also contingent upon social norms and demands from below.<sup>132</sup> However, even constructivists fail to offer constructivist solutions to global governance challenges that are inclusive of transnational civil society. This is especially the case when it comes to recognising the contribution of transitional civil society in fulfilling basic rights and providing public services. Accepting a more traditional view based on the premise that the *States make what they want* of the international domain, constructivist scholars suggest as solutions to governance challenges new legal frameworks passed by national legislators, UN strengthening, and the democratising of the Bretton Woods and other international institutions already consolidated within a view of the global public domain that is traditional.<sup>133</sup> Acts of governance that aim at democratising and improving effectiveness at the international level are invaluable contributions, but they are just a piece of the puzzle that reinforces reliance upon international institutions, which follow a statist view of the

---

<sup>132</sup> JG Ruggie “Reconstituting the Global Public Domain – Issues, Actors and Practices” (2004) 10 (4) *European Journal of International Relations* 499 [“Reconstituting the Global Public”].

<sup>133</sup> A Wendt “Anarchy is What States Make of It: The Social Construction of Power Politics” (1992) 46 *International Organisation* 396.

world. It remains as important, for example, to find ways of granting political meaning to large-scale social problems by encouraging and recognising social messages and demands in a sphere that goes beyond the interstate. Political frameworks that are capable of promoting this type of integration are lacking in the literature and high-level international debates.

It is undeniable that the constructivist approach considers ubiquitous the social dynamic taking place at the global environment. In this sense, social constructivists when analysing governance recognise to a large extent the impact of transnational networks and grassroots organizing, as well as their difficulties in getting their voices heard. Yet innovative mechanisms that can promote the idea that social mobilisation has to be politically acknowledged and validated outside of the framework of consultation or participation rights taking place inside of international institutions are not frequently developed; they have been considered virtually impossible to implement, even by social constructivists.<sup>134</sup> In this fashion, transnational civil society often mobilises outside the public domain, without scrutiny and without the theoretical and political backing necessary to ground their work and safeguard the collective interest.

At the global level, a politic of capturing (identifying, recognising, monitoring and encouraging) those transnational organisations that are voicing or working towards implementing projects around well-established transnational claims could contribute to creating more effective responses. Again, this does not suggest that any participation of transnational civil society is good or guarantees success. Rather, it suggests that participation of networks under

---

<sup>134</sup> Ruggie “Global Public Domain”, above n 132.

global public terms may engender better global social policy than what has been achieved thus far.

## *VI Building Knowledge: Key Concepts*

As argued above, it is necessary to build basic knowledge about a new available space for publicness, the global public domain, and about a new way of governing in and from this space, global social governance.<sup>135</sup>

In summary, this Chapter attempted to build a conceptual frame around both terms: global publicness and global social governance. It works with the premise that *global social governance refers to an emerging global overlayer from where public services are increasingly being designed and provided*. The existence of an overlayer that is able to steer and row services that were historically considered staple functions of the welfare State disrupts the idea of publicness as representative of a unitary public (the State). At the same time, the existence of this overlayer relocates specific public functions (such as social policy-making and public service provision) to the hands of hybrid alliances that populate the global public domain, and that may not have a defined political identity or physical headquarters. In fact, these actors are generally represented by networks, some of which currently exercise public functions under weak, legal and political frameworks.

As I will demonstrate in the next chapters, enhanced levels of global publicness may be able to address these and other challenges to global social governance. For instance, I will analyse levels of publicness within hybrid

---

<sup>135</sup> Gillian Brock and Harry Brickhouse “Introduction” in G Brock and H Brickhouse (eds) *The Political Philosophy of Cosmopolitanism* (Cambridge University Press, Cambridge, 2005) 1 at 8.

partnerships that have successfully delivered social services from the supranational level.<sup>136</sup> In the health field, one helpful example is the Partnership to Stop Tuberculosis (TB).

When the UN launched the Campaign to Stop TB, it relied upon a public private partnership of actors working at different levels of governance to provide a type of treatment that nation-states were not able to provide alone. Where the Partnership has been active, case detection grew in 25% and success rates have been maintained.<sup>137</sup> It took decades for TB to receive the type of attention it demanded, and many attribute the success of the current partnership to ethical and operational transformations that occurred inside the UN after the world summits of the 1990s and 2000s.<sup>138</sup> These summits were able to call the attention of the world to so-called ‘neglected diseases’ and to the structural reasons why they were neglected in first place. In addition, these summits portrayed diseases like TB as systemic risks for all, showcasing that a highly inter-connected world requires different forms of governing, and relocations of jurisdiction, from the national to the global.<sup>139</sup>

These relocations might or might not be mediated by governments. Relocations can be understood as decision-making or delivery conducted by international organisations, networks of non-profit organisations, public-

---

<sup>136</sup> Craig Calhoun “Rethinking the Public Sphere” (presentation to the Ford Foundation, New York, 2005).

<sup>137</sup> World Health Organisation and Partnership to Stop TB “Report of the Sixth Meeting of the Subgroup on Public Private Mix for TB Care and Control 2010” (Subgroup on Public Private Mix for TB Care and Control, 2010), at Conclusions.

<sup>138</sup> United Nations Department of Economic and Social Affairs “Tackling Insecurity in Old Age: The Challenge of Universal Pensions” (2007) UNDESA-Policy Brief 3 <<http://www.un.org/en/development>>.

<sup>139</sup> More information on governance aspects of the Partnership to Stop TB is provided in Chapter 4.

private partnerships, transnational NGOs, transnational activist networks, transnational Faith-Based Organisations (FBOs), a combination of those, and other assemblages that are yet to emerge. However, until recently, multiple publics were only articulated as part of national politics.<sup>140</sup>

Previously, Nancy Fraser had advanced the argument that “the proliferation of subaltern counterpublics (organizations that perform public functions but that question or counter governmental action) could enhance the participation of subordinate strata in stratified societies,” with the caveat that “this critique presupposed the national-territorial understanding of publicity.”<sup>141</sup> In her recent book, *Scales of Justice*, she claimed in the chapter on *Transnationalizing the Public Sphere* that her critique did not go far enough, because it failed to interrogate “let alone modified, the social-theoretical underpinnings of the *Structural Transformation*, which situated the public sphere in a Westphalian frame.”<sup>142</sup> The increased numbers of global hybrid partnerships created for social governance goals only exacerbate the urgency for a better understanding of the transnationalisation of the public sphere. With the relocation of social services to the global level, much of what we think we know about publicness and governance frameworks needs to be revisited.<sup>143</sup>

In the next three chapters, I use two kinds of case studies to start this exercise of revisiting publicness and our traditional notion of public services.

---

<sup>140</sup> Nancy Fraser *Scales of Justice: Reimagining Political Space in a Globalizing World* (Columbia University Press, New York City, 2010), at 83.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Examples of relocations, from the control of Polio and other communicable diseases to the establishment of food distribution facilities around the world by the World Food Programme, will be dealt with in Chapters 4 and 2, respectively.

## *Chapter 2: BETWEEN TRADITION AND INNOVATION: THE UN'S ROLE IN GLOBAL SOCIAL GOVERNANCE*

### *I Introduction*

This chapter carries the first of this thesis's three case-studies. The three case-studies demonstrate that:

- 1) governance in public services is robust at the international and global levels;
- 2) is organised mainly by international or transnational organisations;
- 3) is organised around specific policy-fields.

The case studies will also show that 4) global social governance varies greatly depending a) upon which institution takes the lead; and b) upon which social service needs to be provided (like health, education, food, and housing services). Finally, the main conclusion of the case-studies is that publicness considerations lack in current global social governance frameworks, be these analysed through the frame of international institutions or through the frame of policy-fields. Although publicness lacks in all cases, it varies greatly depending upon which policy field is under analysis and which organisation takes leadership.

The analysis of the United Nations is valid as a case-study because it provides a point of comparison with other organisations that are involved with global social governance. In addition, the UN is our first case study because the way global social governance currently works requires both an institutional investigation and a policy-field investigation.



Today, the global social governance context organises itself in two ways: the first is by taking advantage of multilateral structures. Multilateral organisations, like the UN and the Organisation for Economic Cooperation and Development (OECD), have helped to structure global governance in public services. The second way by which global social governance is organised is by policy-field. There are significant differences, for instance, if one analyses global governance in education, or in health, or in housing.

Specifically, this chapter is a case study of the UN's role in global social governance. It brings together examples of how the world organisation engages with social policy and, more recently, with service provision. The work of the UN illustrates how multilateral cooperation has heavily influenced global social governance.

In the context of elected governments (at all levels of jurisdiction), the “public service is not the province of one indivisible organisation with ministerial responsibility at the top. Rather it needs to represent the process of agreement between separate aspects of the public interest.”<sup>144</sup> At the international level it is the same: global governance in public services is not the province of agencies and offices part of the UN family. Although the UN may (and should) occupy a leadership role in a diffuse global public domain, the choice for it as a case-study does not mean that agencies of the UN family are the only hosts of global social governance.

Global social policy does not come exclusively from the UN. There are other networks, international organisations, transnational corporations and

---

<sup>144</sup> D Lewis and N Kanji *Non-Governmental Organisations and Development* (Routledge, Oxon (New York), 2009) at 73.

foundations that play an important role in key policy areas. The work of the UN family, nevertheless, overlaps or complements the work of most other organisations working towards meeting millennium goals; achieving broader development objectives; or facing global challenges especially as a result of the ongoing world economic crisis. In this fashion, the UN is an important reference and trend-setter.

Adopting a global public perspective, Chapter 2 demonstrates that the UN has interacted more with a range of other actors to expand its social policy work, as a consequence of the Millennium Development Goals (MDGs).<sup>145</sup> Especially because of the MDGs, the UN is a good place to start mapping global governance in public services. Moreover, UN social policies, especially the MDGs, signal which policy-fields have been targeted for global action.

This chapter does not aim to examine the work of every agency of the world organisation that has worked with MDGs or impacted on public service and national welfare systems. These aims would require a whole thesis in itself. This chapter offers a large-scale vision, sufficient to signal which patterns are constructed when the UN engages with public service governance. As a consequence, this chapter explores whether the world organisation contributes to enhancing global publicness in global governance.

---

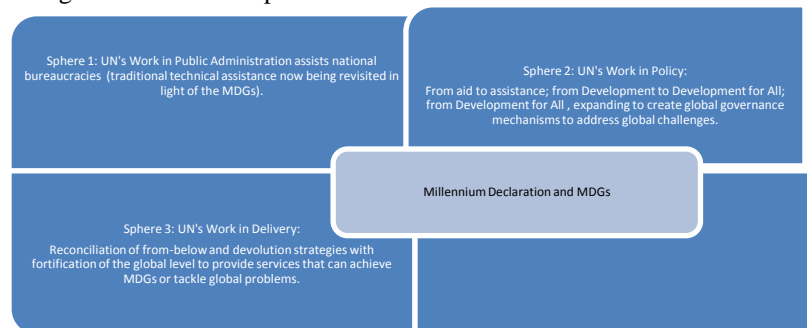
<sup>145</sup> The Millennium Development Goals legal framework initiates with the Millennium Declaration. *United Nations Millennium Declaration* GA Res 55/2, A/55/L.2 (2000). The 2005 Millennium Project report is considered the main background document to the Millennium Development Goals. It is considered an action plan. The UN Millennium Project *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals* (Report to the UN Secretary-General, New York, 2005).

In summary, the research looks within the UN with the simple objective of revealing projects that can serve as evidence of UN’s direct involvement with the global and international aspects of transformation of public services and with non-traditional forms of publicness. The research concentrates on practical efforts resulting from the UN summits of the 1990s and from the commitment made by head of states to the Millennium Declaration (MD, or “Declaration”).

## *II Categories to Guide Analyses*

After the MD, it is possible to identify three discrete UN spheres of action that influence public services, namely global delivery of service, global social policy-making, and public administration interventions (see Figure 1 in footnote).<sup>146</sup> For my purposes, these spheres of action become analytical categories that have helped me to better sort through the diverse work of UN specialised agencies and UN main bodies. Even when I do not directly refer to them, it is implied that, methodologically, I have used these analytical categories to classify the types of public service work, and the types of

<sup>146</sup> Figure 1: Three UN Spheres of Action



governance methods (whether international or global) championed by the UN family.

The three spheres of action do not evenly interact with a kind of millennium mindset, derived from the momentum created by the Declaration. UN-led governance projects with a bearing in public services have demonstrated varying levels of engagement with the discourse of systemic egalitarianism that most agencies have acknowledged since the 1990s and that, for some, justify the use of international or global governance instead of government-led approaches.<sup>147</sup>

For instance, the UN's governance in the sphere of public administration remains very traditional, characterising international governance interventions, rather than global governance. Innovative global governance frameworks, on the other hand, have emerged in the sphere of global delivery. Ironically, this sphere has been highly contested, given the historical association between public-service delivery and the nation-state. This diversity between traditional (international public administration work) and non-traditional (global social policy and global delivery) efforts is important and has been showcased in the analysis below.<sup>148</sup>

---

<sup>147</sup> When I refer to a millennium mind-set, I refer to egalitarian principles that triggered, and were further debated, at the UN Summits of the 1990s and 2000s. Among these principles, there are 1) post-colonial interpretations of poverty and inequalities; 2) the need for some form of redistribution, going beyond formal equality approaches to international law and development; 3) more specifically, a more systemic understanding of inequalities, which justify the engagement of the UN with more aggressive social policies and the interpretation of human rights as triggering necessary action.

<sup>148</sup> For more on these interpretations see F Rizvi and B Lingard *Globalizing Education Policy* (Routledge, New York, 2010), at 117-137.

The UN family as a whole is a difficult analytical unit to explore. The UN family brings together diverse organisations. Depending on the agency there will be more or less power, more or less money, more or less expertise to devote to social policies. Because agencies and offices that constitute the UN family are so diverse, their analysis requires awareness about multiple-institution analysis.<sup>149</sup>

At the outset, it is important to keep in mind that the UN is comprised of diverse organisations, working with different mandates and different views of the world. For example, while some UN agencies engage more than others in global partnerships, these agencies are often labelled “discordant voices in the global arena.”<sup>150</sup> Because of such diversity, which generally casts UN offices and agencies as more or less mainstream and more or less engaged with social affairs, the three categories of analysis presented above are useful (public administration types of action, policy-making and delivery). The categories serve as guidance and help to keep focus on the type of activities and actors, among hundreds, that matter the most for this thesis.

### *III Governing the Social: UN Policies and Practices in Public Services*

The UN has experienced a profound change in the way it engages with public service governance in the last 10 years. The 2008 global economic crisis, and

---

<sup>149</sup> For more on methodological issues in the era of governance, see Bob Jessop and Ngai-Ling Sum “Pre-Disciplinary and Post-Disciplinary Perspectives on New Political Economy” (2001) at 89-102.

<sup>150</sup> Bob Deacon, Michelle Hulse and Paul Stubbs *Global Social Policy, International Organisations and the Future of Welfare* (Sage, London, 1997) at 87.

the MDGs are just two of the factors that have helped reshape UN's involvement in public services and, hence, public services themselves. The change in UN engagement and UN effect upon services, however, have not been homogenous, varying significantly depending on policy-areas and also on the economic and political position of each agency or department. The recent discourse among high-level officers, however, has argued for global governance frameworks to be used to address global challenges, in lieu of international development frameworks, such as technical assistance.<sup>151</sup>

To a great extent, the UN follows a state-centrist orientation which promotes technical assistance and capacity building at the State level.<sup>152</sup> Technical assistance is generally understood as a mechanism by which developed nations lend administrative traditions to less developed ones. This is not the only approach available today.<sup>153</sup>

Global governance frameworks have been increasingly welcomed, in lieu of technical assistance and international development frameworks. These frameworks have used best practices developed by transnational communities and global south governments, for example. The richness of approaches is an important aspect of UN's involvement in public service governance. Some approaches follow global governance theory prescriptions, but many do not.

---

<sup>151</sup> *Economic and Social Council Chief Executives Board Annual Overview Report of the United Nations System Chief Executives Board for Coordination for 2008/2009* UN Doc E/2009/67 (2009).

<sup>152</sup> Deacon, Hulse and Stubs, above n 150, at 89.

<sup>153</sup> This chapter explores offices under UN main bodies (especially the Secretariat and the General Assembly, including the Economic and Social Council (ECOSOC)), and policies from specialised agencies that are active in public service governance, such as the World Health Organisation and the International Labour Organisation (ILO).

### ***3.1 The Public Administration Sphere: Technical Assistance as Traditional International Governance***

A reformist discourse about the future of social policy and social development has spread inside the UN family.<sup>154</sup> It has gained momentum with the Millennium mind-set, the latest global economic crises, and the counter-globalisation forces highlighted in Chapter 1. For instance, UN agencies have included nonstate actors in consulting, policy-making, and delivery processes, but this fact alone does not necessarily override principled and practical traditions that contribute to the UN's reputation as an insulated interstate system, public only to the extent to which it relies on statist membership. Deacon explains that:<sup>155</sup>

... there has emerged a global intra- and inter-agency discourse on the future for social policy and social development and certain UN agencies have been very active in this discourse.

... The WHO and UNESCO are not so prominent here. Rather the agencies that spring to mind, that advertise their publications in the same places that the World Bank sells its *World Development Reports*, are UNICEF, the UNDP (United Nations Development Programme), ... and the semi-autonomous research institute UNRISD (United Nations Research Institute for Social Development).

To a great extent, the UN continues to engage with public services by providing technical assistance to countries. The UN prefers international

---

<sup>154</sup> The term UN family is generally used to refer not only to the six main organs established by the UN Charter (Secretariat, General Assembly, Trusteeship Council, Security Council, Economic and Social Council and the International Court of Justice), but also to 15 other agencies, bodies and programmes defined by the UN itself as part of the UN family. These include the World Bank Group and the World Health Organisation. For a complete list, see generally United Nations "Structure and Organisation" (2011) About UN < <http://www.un.org/en/aboutun/structure/>>.

<sup>155</sup> Deacon, Hulse and Stubbs, above n 152, at 84.

development schemes, which favour international vertical policies, conditional requirements, rather than the formation of global partnerships that act as full-fledged participants of global governance processes.

The historical background of technical assistance sheds light on the question of why the UN faces so many difficulties in engaging more fully with global governance today. It also provides the historical background for why it is hard for the UN to accept multiple, often multi-level, sources of decision making and project execution. The history of technical assistance reveals political and operational barriers to UN's use of global governance as advised in theory.

### *3.1.1 History of technical assistance: origins of public service governance from outside the State*

The UN's involvement in reforming public administration started in 1948, when the ECOSOC recommended that the Secretary-General, in consultation with other international organisations, prepared "a study concerning the development of international facilities for the promotion of the science of administration."<sup>156</sup> This request was in accordance with the general interest of the UN in technical assistance programmes, which evolved to generate, among other things, today's UN Division of Public Administration and Development Management (DPADM). The concerns that generated the creation of a technical assistance programme in public administration are still current in the era of global governance. Originally, the ECOSOC requested the Secretary-General to focus on "the feasibility and character of international measures and organisational arrangements designed to develop and spread the science of

---

<sup>156</sup> *International Facilities for the Promotion of Training in Public Administration* ESC Res 24, E/694 (1948).



administration for the benefit of all nations.”<sup>157</sup> It also requested clarifications about “the ways of ensuring steady and orderly development and propagation of the science of administration throughout the world.”<sup>158</sup>

Following a proposal of American president Harry Truman, in 1948, the General Assembly (GA) agreed upon the creation of the International Centre for Training in Public Administration.<sup>159</sup> In 1950, the Secretary-General, with the approval of the ECOSOC, began putting in practice its first action plan expanding assistance to, at first, developing countries to train their personnel.<sup>160</sup> According to the DAPDM’s 60<sup>th</sup> anniversary report, GA’s resolution 246(III) was “the first broad legislative authority” granting to technical assistance the status of “a specific field of the United Nations activity.”<sup>161</sup>

In the 1950s, the programme underwent several changes. Its capabilities were expanded in order to extrapolate its original scope, which was confined to aspects of training personnel. In Resolution 492 (XVI) the ECOSOC revised the programme by renaming it “Regular Programme of Technical Assistance,” and by authorizing a range of assistance services that could both, upon request of nation-states, advance social and economic development and be coordinated

---

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

<sup>159</sup> *International Facilities for the Promotion of Training in Public Administration* GA Res 246, UN GA, 3rd sess, 174th plen mtg, (1948).

<sup>160</sup> *International Centre for Training in Public Administration*, ESC Resolution 253 E/RES/253 (IX) (1949).

<sup>161</sup> *Contribution of the United Nations to the Improvement of Public Administration: A 60-Year History* at [9], UN Doc ST/ESA/PAD/SER.E/115, UNDESA (2009).

by the UN system.<sup>162</sup> The same resolution also took note of the “Expanded Programme of Technical Assistance” (EPTA), which was designed to host “coordinated country technical assistance programmes.”<sup>163</sup> During the life of EPTA, the minimum involvement of UN’s deliberative and oversight bodies raised concern. Oversight bodies such as the Technical Assistance Committee (TAC) had little or nothing to say in the day-to-day of the assistance process. The Committee used to meet just a few times in the year, operating relatively far from where the decisions were made.<sup>164</sup>

Since the UN initiated its programmes that intervened in public services, specialised agencies had a lot of discretionary power in their hands. Mostly, specialised agencies wrote EPTA’s technical assistance plans that shaped social and economic policies in the developing world. They had wide mandates from budgeting to choosing personnel, impacting significantly upon public services. It is well documented that, since the report sent by the Secretary General to the Assembly in 1948, specialised agencies designed social projects, were given liberty with money, and represented the interests of

---

<sup>162</sup> *Regular Programme of Technical Assistance* ESC Res 492 (XVI), 747th plen mtg, (1953). Full text with the revised attributions of the “Regular Programme of Technical Assistance” reads:

The provision, at the request of governments, of technical assistance related to public administration, including training for public service, through:

The advisory services of experts;

Fellowships and scholarships;

Training institutes, seminars, conferences, working groups and other means;

The provision of technical publications;

The collection analysis and exchange of technical information in the field of public administration, in collaboration, where appropriate, with the International Institute of Administrative Sciences and other appropriate institutions, and assistance to governments to promote, by all suitable means, sound public administration, in relation to economic and social development.

<sup>163</sup> M Nashat *National Interests and Bureaucracy versus Development Aid* (Tribune Editors, Geneva, 1978) at 166.

<sup>164</sup> *Ibid*, at 165-169.

donor countries.<sup>165</sup> Hence historical power imbalances in international relations were carried into technical assistance, and their effects into reformed national bureaucracies.<sup>166</sup>

Following what was happening in domestic environments in the late 1960s and 1970s, technical assistance expanded to represent more than consultancy and hands-on technical advice to weak governments. Post-colonial States struggling for democratisation, especially in Latin America, introduced new political and economic dynamics in international relations, and opened up new geopolitical opportunities. The era of development was launched in the UN. Economic development has guided the social work of the UN since, while the demands from countries and their ability to request fairer processes have changed over time, both politically and in terms of what kinds of services and goods are needed. UN interactions with national bureaucracies up to the early 1970s and again in the late 1980s generated scholarly critiques and political movements that began to be addressed only a decade after, paving the way to UN Summits on social issues, substantial policy reviews, to changing development frameworks and, eventually, to the MD. It is important to note, therefore, that no matter in what frame, the work of the UN has shaped the traditional public sector for decades especially in developing countries; it continues to do so.<sup>167</sup>

---

<sup>165</sup> Ibid.

<sup>166</sup> Ibid, at 167-169.

<sup>167</sup> For more information on the UN Development Decades, see O Sunkel "Poverty and Development: From Economic Reform to Social Reform" in *Issues in Global Governance*, Papers Written for the Commission on Global Governance (Kluwer Law International, London, 1995) at 123.

Today the ECOSOC's Committee of Experts in Public Administration (CEPA's) is interested in knowing more about the feasibility of having mechanisms by which public administration can be improved in both developing and developed countries.<sup>168</sup> The history of the DPADM not only shows its expansion, since it started as an international technical assistance and training centre (the same root as the general project of development) but it also signals that little has changed at the DPADM in terms of its perspective on publicness and public administration. DPADM perceives public administration as an exclusive statist affair; as an exclusive statist realm. Therefore, the work of the UN in public administration has little to do with global publicness, but rather with traditional publicness, vertical interventions, and good governance. The Millennium Project, commissioned by the Secretary-General and executed by an independent group of experts, reinforced these focal points. Specifically, UN work in public administration looks at strengthening national strategies; rapidly scaling-up initiatives that are often chosen at the international level as best practices; and eliminating corruption, training personnel and making funds available (sometimes with stringent conditions attached).<sup>169</sup> In this fashion, the UN public administration work matters and changes significantly country-level social policies. However, even after the MDGs, its impacts are underestimated.

---

<sup>168</sup> For instance, the 2010 Greek economic crisis and the European financial downturn that surfaced more prominently in 2011 offers a good opportunity to assess the role of the UN vis-à-vis global governance in public services in the developed world. See generally UN Public Administration Network (UNPAN) "Governance for Results in Social Protection Policies" (2011) Public Documents  
<<http://unpan1.un.org/intradoc/groups/public/documents/un/unpan045336.pdf>>

<sup>169</sup> For more on how the Millennium Project suggests that the UN deals with country-level processes as a means to achieve the MDGs, see UN Millennium Project *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals* (Overview Report, New York, 2005) at Chapter 2.

The ECOSOC's CEPA recommended that the world organisation enhanced "the dissemination of information concerning activities related to the United Nations Programme in Public Administration and Finance [currently the DAPDM], including United Nations Public Service Day, by engaging in a more effective public information campaign."<sup>170</sup> The Committee concluded that "although the United Nations was carrying out a number of significant initiatives in the field of public administration and governance, these had not been sufficiently publicized throughout the world."<sup>171</sup>

By studying the documents made available by the DAPDM in its 60<sup>th</sup> anniversary, important inferences can be made about the UN's technical assistance strategies today. First, DAPDM's discourse and practice remain loyal to a traditional view of State sovereignty, which is represented by nation-states formally asking for assistance and consenting to it. Throughout the Division's publications, the fact that States need to request assistance to be helped is often affirmed, signalling resistance to the idea that a relatively autonomous contribution of the global level to the public sector exists, even if to address very limited issues. In other words, the strengthening of a global overlayer, which has been ever more responsible for public services, has been blemished by a traditional view of State sovereignty that is particularly important in public administration as a field. On the other hand, CEPA's reports find the need to allude to universalist discourses, and to millennium-related projects.

---

<sup>170</sup> *UN ESCOR Committee of Experts on Public Administration Report on the Second Session* at [17] UN Doc E/2003/44 (2003) ["ESCOR Comm of Experts in Public Administration"].

<sup>171</sup> *Ibid.*

According to CEPA:<sup>172</sup>

...governance and public administration play a vital role in an integrated follow-up strategy to United Nations conferences and summits that share similar concerns, such as providing economic opportunities to the poor and improving their access to basic services, including education, health, water and sanitation. These concerns were clearly highlighted at the Millennium Summit. ... the Millennium Development Goals have universal legitimacy since they have been accepted by government leaders worldwide and are the culmination of a series of international initiatives and conferences, which, since the 1970s, have paid increasing attention to social objectives.

The tension faced by CEPA today is profound, and it partially relates to the roots of social development work as grounded upon technical assistance methods. Broader social programmes require changes in focus and practices, going beyond technical assistance. The expert committee seems not ready to recommend such changes.

While CEPA recognises the supranational, unifying character of the Millennium Declaration by attributing to it “universal legitimacy”, it deems national institutions responsible for achieving the millennium goals.<sup>173</sup> While the principles of sovereignty and self-determination signal the propriety of such position, national implementation has shown to be slow. One reason, among many others, is systemic and speaks to the lack of capacity of national bureaucracies. Countries are in different economic, social, and political positions due to different, more or less oppressive, historical backgrounds, and cannot be equally responsible for fulfilling supranationally established

---

<sup>172</sup> ESCOR Comm of Experts in Public Administration, above n 170, at 4 and 15.

<sup>173</sup> ESCOR Comm of Experts in Public Administration, above n 170, at 15.

benchmarks. The MD takes this systemic view into consideration throughout its text. The MD states:<sup>174</sup>

...we have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level. As leaders we have a duty therefore to all the world's people, especially the most vulnerable ...

For while globalisation offers great opportunities, at present its benefits are very unevenly shared, while its costs are unevenly distributed. We recognise that developing countries and countries with economies in transition face special difficulties in responding to this central challenge. Thus, only through broad and sustained efforts to create a shared future, based upon our common humanity in all its diversity, can globalisation be made fully inclusive and equitable.

Unlike the Declaration, the millennium goals, as well as CEPA, fail to understand that global social goals refer to our common humanity and to building a shared future. They fail to find a productive way to deal with the tension between a narrow interpretation of non-intervention in national matters and the need for the global level to take broader and bold acts to help national governments and the vulnerable populations of the world; today, vulnerable populations often organise transnationally. The question boils down to how international and national actors can make broader and sustained efforts towards creating a shared future, if implementation plans operate mostly under the principle that inefficient governments are the main causes of problems and efficient governments the main solution.

In the words of CEPA:<sup>175</sup>

---

<sup>174</sup> Millennium Declaration, see Chapter 2. *United Nations Millennium Declaration* GA Res 55/2, A/55/L.2 (2000).

<sup>175</sup> ESCOR Comm of Experts on Public Administration, above n 170, at 5.

The implementation of the United Nations development agenda, including the Millennium Development Goals, required a governance system that was more engaging, transparent and accountable. Such an arrangement called for citizen participation in policy-decision making, service delivery, and public accountability. ... many governments recognised those challenges and were introducing measures to establish institutions and processes that addressed the challenges of participatory governance.

CEPA recognises that “there is a gap between goals, which are usually set internationally, and processes for their implementation, which are nationally driven.” Therefore, it is important to notice that while the most recent discourse of DAPDM (which is endorsed by CEPA) has further connected with ideas of revitalising the public sector and inserting public values into governance in public services (like participation), it ignores that a global layer has legitimately absorbed activities from the State, hence of publicness, in order to address global social challenges. For example, CEPA’s report understands the MD as an international set of principles, guidelines, and calls for action affecting domestic governance and domestic bureaucracies. CEPA does not mention shared ownership of social governance processes, deferring to national governments political and operational responsibilities for internationally-set development projects. Often this posture provokes a capacity deficit at the nation-state end, letting national officers deal alone with the administration of a global service-agenda that is, for many nation-states, out of reach.

In contradiction to the highly-deferential CEPA’s discourse to nation-states as sovereigns, the Division sometimes engages with international technical assistance through isolated vertical interventions. Vertical technical assistance questions the use of request and consent as expression of sovereignty and as



securing the project's publicness, understood as state-owned projects.<sup>176</sup> Request and consent are pillars of international relations that will require further thought and broader forms of expression within a frame of cooperation for global social governance.

### *3.1.2 Technical assistance today: mostly traditional vertical interventions*

The present-day DAPDM's e-government projects are good examples of international governance and of traditional approaches to the "science of public administration."<sup>177</sup> Specifically, the project on implementing e-government in the Caribbean, which has been responsible for conceptualising and implementing e-government systems in the region, demonstrates that the DAPDM has been responsible for implementation, directly changing the way national bureaucracies provide services, and directly affecting matters of access.

The types of projects provided by the DAPDM to Saint Vincent and to Saint Lucia:<sup>178</sup>

...involved integrating the information systems of the Government's agencies. A feasibility study has defined operational solutions and guidelines for upgrading current procedures, integrating operations and simplifying processes across government agencies, and aiming at transforming the way government agencies interact with citizens and provide services built around citizen's needs. The study has provided the government with a scenario and operative guidelines to enhance the efficiency and effectiveness of public services.

---

<sup>176</sup> GB Helman and Steven Ratner "Saving Failed States" 89 *Foreign Policy* (Winter, 1992-1993) 3 at 11-12.

<sup>177</sup> Resolution 246 of 1948 was already concerned with the *science of public administration*. *International Facilities for the Promotion of Training in Public Administration* GA Res 246, UN GA, 3rd sess, 174th plen mtg, (1948).

<sup>178</sup> High-Level Meeting to Examine E-Government Projects in Caribbean UN Department of Public Information UN Doc PI/1807 (2007).

The Division took the lead in designing and implementing e-government schemes around the Caribbean region.<sup>179</sup> It is suggested that, even if attempting to defer implementation to States, the Division has the capacity to define characteristics of public services in developing countries (especially small ones). Specifically, the initiatives of the Division in the Caribbean have focussed on upgrading technology, reaching all policies and sectors of many Caribbean national governments.<sup>180</sup> These efforts include enabling and supporting governments to formulate e-government policy and legislative frameworks, adjust supply-side in different areas like tourism and education, and reach the demand-side by conducting surveys with beneficiaries and bringing awareness about e-government schemes.<sup>181</sup> All of these services have been conducted as e-government projects.<sup>182</sup>

The make-up of e-government projects in the Caribbean has been marked by strong influence exercised by donor-countries. For example, during a meeting between high-level national officials and UN officials, participants analysed that:<sup>183</sup>

---

<sup>179</sup> See generally UN Public Administration Programme “Caribbean E-Government Services” Technical and Advisory Support Facility (2008-2010) < <http://www.unpan.org/tasf/>>.

<sup>180</sup> These include the governments of Saint Lucia, Dominica, Antigua and Barbuda, Jamaica and Belize. UN Public Administration Programme “Caribbean E-Government Services” Technical and Advisory Support Facility (2008-2010) < <http://www.unpan.org/tasf/>>.

<sup>181</sup> Ibid.

<sup>182</sup> The use of bi-lateral projects intermediated by the UN is common to development, but not so much to global governance frameworks, where multi-actor partnerships prevail. In fact, scholars warn to exaggeration in the use of projects to deal with public problems faced by governments elsewhere (or off-shore). This has been termed “projectisation.” Appadurai criticises the massive use of ‘projects’ (generally development projects) to advance social issues. A Appadurai “Deep Democracy: Urban Governmentality and Horizon of Politics” (2002) 14 Public Culture.

<sup>183</sup> *High-Level Meeting to Examine E-Government Projects in Caribbean* UN Department of Public Information PI/1807 (2007).

...the future of such [e-government] activities in the Caribbean, [which] would involve the Department [UN Department of Economic and Social Affairs] as an executing agency, the Italian Government as a donor and **possibly** the two countries [Saint Vincent and Saint Lucia] as champions, assisting the Department in transferring the outcomes of the projects to other Caribbean countries. (emphasis added)

While many countries, especially developing, may benefit from e-government initiatives, these are seldom publicised forms of technical assistance. They may represent an enlargement of the Division's scope of work, going from requested country-to-country assistance to devising a regional strategy. Although, the Caribbean project is based on State request and on country-level action, which is fundamental to technical assistance projects, the Division executes projects from above following a regional strategy. By following patterns established by the executing agency and donors, the Division transforms a whole regional bureaucratic culture. This position does not fit well with the more recent orientation of the United Nations Development Programme (UNDP) to finance projects in a manner that facilitates devolution to the local level.<sup>184</sup>

---

<sup>184</sup> In a report issued by the UNDP's adviser for the State of Cameroon, the orientation is devolution to the nation-state when it comes to training personnel. The adviser explains: "Initiated in June [sic] 2000 within the framework of Cameroon National Programme on Good Governance (NPG) under the banner of "Administrative Reform", the Programme of the devolution and SIGIPES [Système Informatique de Gestion Intégrée des personnels de l'Etat et de la Solde] aimed at modernising Cameroon Public Service from all angles and forms. This Programme consists of several components and receives financial and technical supports from different donors. We could underscore for instance the special contribution of the United Nations Development Programme (UNDP) through the Thematic Trust Fund "Democratic Governance" of 2003 and that of the European Commission (EC) within the framework of the support to Cameroon Structural Adjustment for the year 2003 ... Its application in the manner in which public services are rendered is guided by two principles, namely that: the employer (the Minister using the worker) is also (i) the one who manages his career, and (ii) the one who pays the worker." Marcellin Ndong Ntah "Knowledge Product Action Reflection Note" (2004)

The apparent lack of cohesion within the UN reflects a wider pattern of misinterpretation apparently caused by an anxiety to frame programmes *as local as possible*, following, for example, the European concept of subsidiarity.<sup>185</sup> Whether local or global action is appropriate seems to demand a larger-debate about system-wide inequalities and capacities. A system-wide approach will likely highlight the necessity of local action most of the time, but it should flag the rare occasions in which global social governance frameworks are required.

The work of the UN DPADM underuse global governance tools that could be made available to relieve States in their overwhelming task to respond to welfare demands produced by the various facets of globalisation. The Division, maintaining its allegiance to technical assistance frameworks, fails to embrace the global overlay and innovative global governance tools that could improve the quality of public services provided on the ground.<sup>186</sup>

Although the Division studied here is specialised in Technical Assistance, there are other agencies, such as the UNDP, using technical assistance to meet their objectives, including MDGs. The UNDP, nevertheless, has also made use of other strategies to reach MDGs and its broader agenda. This broader agenda has recently included a bolder approach to tackle global challenges by using global partnerships.

---

UNDP Cameroon <europeandcis.undp.org/uploads/public/file/5E\_ARN\_Cameroon.doc - 2011-08-20>.

<sup>185</sup> In general, subsidiarity refers to devolving governance acts to the most local level possible (i.e. the most local level that is able to achieve the objectives of the intended action.) Leslie Budd and others (eds) *Making Policy Happen* (Routledge, London, 2006) at 7.

<sup>186</sup> United Nations Department of Economic and Social Affairs Office for ECOSOC Support and Coordination "Achieving the Internationally Agreed Development Goals: Dialogues at the Economic and Social Council" ( UN ESCOR, New York, 2005).

### ***3.2 Beyond Technical Assistance: Innovative Global Governance Mechanisms***

On the eve of the 21st century many things changed. In particular, the Extensive Programme on Technical Assistance (EPTA) was extinguished and gave way to the UNDP.<sup>187</sup> Politically, many developing countries consolidated themselves as social-democratic regimes, and South-South alliances became political realities, granting to developing countries elevated political status. Relatedly, the Millennium Declaration was crafted, helping to both politicise and universalise claims for a more egalitarian world. These are some of the historical developments that contributed to the creation of new layers of public service governance. These new layers are generally represented by new partnerships and more active spheres of action in public services (global social policy and delivery), within and beyond the UN. These layers are further discussed below.

#### *3.2.1 Global social policy making*

##### 3.2.1[a] Overview

Bob Deacon conceptualises the social policy made by a range of supranational actors as a practice that “embodies global social redistribution, global social regulation, and global social provision and/or empowerment, and includes the way in which supranational organisations shape national policy.”<sup>188</sup> UN specialised agencies under the ECOSOC have engaged with many other actors, in pursuit of innovative global social policies (GSP) that may more

---

<sup>187</sup> M Nashat *National Interests and Bureaucracy versus Development Aid* (Tribune Editors, Geneva, 1978) at 166.

<sup>188</sup> Deacon, Hulse and Stubbs, above n 152, at 195.

effectively address global social challenges and push for more global governance in the context of public services.

There are distinguishable UN agencies and commissions that promote global social policy. For example, the work of the Commission on Social Development has established a frame of social integration to guide innovative policy-making as their priority theme. At the heart of the idea of social integration is the removal of obstacles that can bring inclusion to society through better delivery of public services. Among social integration strategies, there is the provision of truly global services, such as the World Food Programme transferring cash for food, and the establishment of a global social floor to meet basic needs transnationally. Preliminary ideas on the universal social floor deal with basic education and health services, cash transfers to be organised by global partners, and universal pensions for the elderly.<sup>189</sup>

In terms of advancing social integration, the role of the ECOSOC has been vital. Even if it has been constrained by geopolitics and overshadowed by the activities of the Security Council (SC), the ECOSOC, supported by the international civil service and working under the Secretariat's Department for Economic and Social Affairs, has found ways to promote global social policy by working with regional commissions and Ad Hoc groups, especially after the creation of the MDGs.<sup>190</sup> Agencies responding to the ECOSOC, via the administrative coordination role played by UN Department of Economic and Social Affairs (DESA), have not only engaged in global social policy to

---

<sup>189</sup> These policies will be discussed subsequently, under the UN's strategy towards promoting social integration.

<sup>190</sup> UN Department of Economic and Social Affairs Office for ECOSOC Support and Coordination *ECOSOC Ad Hoc Advisory Groups in African Countries Emerging from Conflict: The Silent Avant-Garde* (UNDESA, 2006), at 15.

achieve development goals by 2015, but they have also started efforts to specifically create global partnerships for delivery in the areas of children's education, children and women's health (reproductive and maternal,) and also jobs for all.<sup>191</sup> More recently, the ECOSOC and member-countries, especially the government of Spain, have created the MDG Achievement Fund (hereinafter MDG Fund) which is, arguably, the most clear mechanism directed towards funding service delivery ever created at the UN.<sup>192</sup>

Below, I discuss social integration as a transversal frame influencing global social policy, including the MDGs. By exploring the UN's social integration strategy, I discuss the following policies: the MDG Fund, the pact in favour of jobs for all, and the global social floor.

### 3.2.1[b] Social integration as an example of meta-GSP

I consider social integration a multi-faceted principle that guides policy action and transversally reaches UN agencies and their policies. In this regard, social integration is a type of meta global social policy, which is vital to fostering both the ethical and the operational aspects desirable in global governance frameworks.

Two prominent agencies that work with social integration more bluntly are the World Health Organisation (WHO) and the International Labour Organisation (ILO). The United Nations Population Fund (or Population Fund) has also engaged with the frame of social integration. It has been responsible for

---

<sup>191</sup> United Nations Department of Public Information *Social Development Commission Panel Considers Priority Theme - Social Integration: Speakers Examine Obstacles to Policies Aimed at Achieving Society for All* UN Doc SOC/4759 (2010).

<sup>192</sup> For more on the MDG Fund, see its own section below.

coordinating many of the efforts that include expansion of social services, which started to be more widely planned via the work of its Task Force on Social Services for All. The task force was established by the Administrative Coordination Committee (ACC) and placed under the auspices of the Population Fund. The task force ended its work in 1998. As an end product, it provided a compendium that lists the sectors where there is a need for global policies that will enable the provision of basic services for all, promoting social integration.<sup>193</sup>

Although the task force did not succeed in becoming a permanent body of the ECOSOC, it did influence the efforts of the Population Fund and other agencies. It is suggested that there are political reasons why the Task Force did not grow to be a standing committee. For example, the Task Force referred to “social services” rather than “public services.” The choice for social services and complete avoidance of the term public services signals the necessity of the UN to be deferential, and to place at the hands of the State the exclusive control over public functions. The work of the Task Force on Social Services for All, nevertheless, impacted on the work of the Commission for Social Development, which started to use the frame of social integration across policy-making efforts. The Commission for Social Development has provided important advisory services to the ECOSOC. Together with the specialised agencies, the Commission constitutes an important institutional apparatus that supports and crafts global social policies in a range of policy areas, sometimes (but not always) pushing for social integration.

---

<sup>193</sup> *Follow-Up Actions to the Recommendations of the International Conference on Population and Development: International Migration* UN ESCOR, Report of the ACC Task Force on Basic Social Services for All. Un Doc E/CN.9/1997/4 (1997).



For example, the ILO has used to frame of social integration to develop mechanisms to pursue Work For All (WFA). WFA discourse has survived statist challenges and, since 2008, has evolved into an important agenda item of the Population Fund, the UNDP and the ILO.<sup>194</sup> In turn, the Population Fund has elected the area of reproductive health as one of global public concern. In this area it has worked together with the WHO.

There are clear links between the work of the Task Force on Basic Social Services for All with the elected frame of social integration within agencies promoting “Development for All.” Both the Task Force and the frame of social integration demonstrate the necessity to go beyond development to fulfil the expectations set by the 1995 World Summit for Social Development in Copenhagen.<sup>195</sup>

According to Deacon, Hulse and Stubbs, who wrote their first book on Global Social Policy in 1997:<sup>196</sup>

---

<sup>194</sup> When the ACC established the Task Force on Social Service for All it also established the task force chaired by the ILO and called it “Employment and Sustainable Livelihoods.” With the coordination of these two task-forces the frame of “work-for-all” which includes an unemployment social floor was born.

<sup>195</sup> *Follow-up to the World Summit for Social Development and the Twenty-Fourth Special Sess of the GA: Review of Relevant UN Plans and Programmes of Action Pertaining to the Situation of Social Groups* UN ESCOR, UN Doc E/CN.5/2010/L.3 (2010).

<sup>196</sup> Deacon, Hulse and Stubbs, above n 152, at 87.

... the Social Summit of the UN held in Copenhagen in 1995 was only the latest, but was the most significant, in a line of recent summits. In 1990 there had been the World Conference on Education for All, and the World Summit for Children. In 1992 there was the Rio Summit on Development. In 1993 in Vienna there was the World Conference on Human Rights and in 1994 the International Conference on Population and Development. The all-encompassing theme, however, of the 1995 Social Summit represented the most significant global accord on the need to tackle issues of poverty, social exclusion and social development, North and South.

As mentioned earlier, Copenhagen's claim for social integration was first tied to the "Development For All" Programme. Today, it has been increasingly used to guide other, broader projects in the social realm. According to the Commission for Social Development Draft Resolution 48 concerning the topic of mainstreaming disability into development:<sup>197</sup>

... the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development and the further initiatives for social development adopted by the General Assembly at its twenty-fourth special session, ... constitute the basic framework for the promotion of social development for all at the national and international levels.

In addition to the potential benefit of "Development for All" projects and of the United Nations Development Assistance Framework (UNDAF) on the ground, development frames may be useful to showcase the limitation of development in itself and which policy area development projects are ineffective or insufficient. Social integration, for instance, seen as meta-policy has helped to guide UN policy makers in the daunting task of identifying issues that should be addressed through frameworks that are different from development.

---

<sup>197</sup> *Follow-up to the World Summit for Social Development and the Twenty-Fourth Special Sess of the GA: Review of Relevant UN Plans and Programmes of Action Pertaining to the Situation of Social Groups* UN ESCOR, UN Doc E/CN.5/2010/L.3 (2010).

In February of 2010, the Commission for Social Development promoted a panel discussion on its priority theme, social integration, in order to assess what can be done to approximate the outcomes of UN's efforts to the ultimate goal of creating a more egalitarian society. Panellists were critical of how timid the UN has been in implementing the frame of social integration in a way that would go beyond its traditional goals. Recommending global concerted efforts, panellist J. Piet Hein Donner offers his support to:<sup>198</sup>

... the ILO's "social justice for a fair globalisation" and the common declaration on "more and better jobs". Social protection was a basic pillar for decent work, but 80 per cent of the global population did not have social guarantees. Global social protection standards should be developed. He strongly supported the Global Jobs Pact and the Social Protection Floor – both ILO initiatives – and called on other international organisations and governments to help the ILO to carry them out. Social protection floors were needed to combat poverty and foster national stability, as well as to promote fair, global competition. They should include a set of basic social transfers, in cash or in kind, to provide poor, vulnerable people with essential health care, food, clean water, education and other essential services.

Hein Donner may be overoptimistic about the actual size and scope of ILO's Job Pact and Social Protection Floor. Regardless, the debate about coverage of global social policies serves as a demonstration that global social policies such as universal pensions, a global jobs pact, and an universal social floor (staple examples of GSP) have become important agenda items of UN high-level talks. A renewed UN social policy agenda sketches a governance paradigm that is broader than development, the usual paradigm to guide global social governance today.

---

<sup>198</sup> United Nations Department of Public Information, above n 191, at 4.

### 3.2.1[c] Universal pensions and the global jobs pact

Global social policy may reflect historical claims made by social movements, which often include some form of wealth redistribution. Following this orientation, the UN has begun to think about concrete interventions in the area of employment and pensions. Interventions suggesting the need for better elderly care have received strong support from global actors. More specifically, ideas on providing universal pensions have emerged.

For example, UNDESA has endorsed both universal pensions and universal employment. In terms of pensions, UNDESA policy brief n. 3 advocates for “a minimal universal social pension”, which “would provide a floor below which nobody could fall.”<sup>199</sup> The policy brief goes further to explain that universal pensions “could provide the basis for a more comprehensive pension system which may consist of a mixture of public and private initiatives adapted in accordance with existing country practices, financial circumstances and equity considerations.”<sup>200</sup> Lastly, UNDESA proposes to find a “fiscal space” and to rely on the donor community to directly subsidise “non-contributory” pensions.<sup>201</sup> Similarly, the Global Jobs Pact is an ILO initiative that involves several other agencies and intends to “support economic recovery through decent work-friendly policies, reduce the risk that the crisis spreads further across countries and pave the way for a more sustainable, fairer globalisation.” The Pact includes several country-led and ILO-led initiatives.<sup>202</sup>

---

<sup>199</sup> Insecurity in Old Age: The Challenge of Universal Pensions" (2007) UNDESA-Policy Brief 3 <<http://www.un.org/en/development/desa>>.

<sup>200</sup> Ibid.

<sup>201</sup> Ibid.

<sup>202</sup> *UN GA An ILO Discussion Paper: The Financial and Economic Crisis: A Decent Work Response* UN Doc GB.304/ESP/2 (2009).

The most important component of the Global Jobs Pact, in this context, is the Global Jobs Fund which is an initiative that aims at providing an alternative to conditional loans. It targets countries hardly hit by an economic crisis, proposing a “counter-cyclical global mechanism ... a global jobs fund [that] would provide support to countries facing global crisis. It would rely on a line of credit separate from that of the traditional IMF package...”<sup>203</sup> In fact, in the report written by the Special Representative of the United Nations to the ILO, Jane Stewart, entitled *The Financial and Economic Crisis: A Decent Work Response*, the Representative explains the content of the Global Jobs Pact and remarks that:<sup>204</sup>

...the President of the UN General Assembly has established the Commission of Experts on Reforms of the International Monetary and Financial System (the so-called Stiglitz Commission) ... Through its position in the UN system, the ILO can support the Commission’s work by pointing to the employment and social consequences of existing and proposed solutions to crisis in developing countries...

The Global Jobs Fund, therefore, is not only a revolutionary policy proposition, but it is also an indication that the ILO and the UN are assessing projects that may function as staple components of the global public sector, yielding social, economic and political consequences.

### 3.2.1[d] Universal global social floor

The ILO is taking advantage of its position as one of the UN leading agencies in social matters. It has promoted policy talks not only about universal pensions and securing global jobs, but also about the universal social floor, which is a suggested social policy designed to provide “a basic floor of social

---

<sup>203</sup> Ibid, at 57.

<sup>204</sup> Ibid, at 57.

transfers” that are globally affordable.<sup>205</sup> The advancement of the debate about the Global Jobs Fund and the Universal Social Floor is groundbreaking; and it serves to reinforce the ideas about: 1) the UN undergoing a normative transition, which has advanced a more concrete vision of why and which social challenges need to be globally addressed; 2) the formation of a global public sector, which inevitably transforms the source of publicness (from the exclusive governmental domain to partnered global responsibilities).

According to the UN’s Chief Executives Board for Coordination (CEB), which is currently chaired by the Secretary-General directly assisted by ILO’s Director-General and other 27 high-level officers:<sup>206</sup>

A social protection floor could consist of two main elements that help to realise respective human rights:

*Essential services:* ensuring the availability, continuity, and access to public services (such as water and sanitation, health, education and family-focussed social work support).

*Social Transfers:* a basic set of essential social transfers, in cash and in kind, paid to the poor and vulnerable to enhance food security and nutrition, provide a minimum income security and access to essential services, including education and health care.

As of now, the social floor is a proposal intending to impact and supplement social policies world-wide, and to make available basic social transfers from the UN-System to several communities in need, via the national infrastructure. The social floor is the materialisation of the intention of the UN CEB to address the effects of recent economic crises. In fact, CEB, with the

---

<sup>205</sup> *The Social Protection Floor: A Joint Crisis Initiative of the UN Chief Executives Board for Co-ordination on the Social Protection Floor* (2009) International Labour Office and World Health Organisation < <http://www.un.org/en/ga/second/64/socialprotection.pdf> > ["ILO and WHO Social Floor"].

<sup>206</sup> Ibid, at 2.

universal social floor, is not only responding to the effects of one specific economic crisis, but rather to the broader effects of economic liberalisation and economic globalisation.<sup>207</sup>

The universal social floor, if implemented, will represent an innovative mechanism that comprises a joint response to economic crisis via global social interventions. As a result, this policy will distance itself from the international legal framework generally followed by the UN. For instance, many countries that have not ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR) may benefit from an universal social floor, if implemented. Second, the social floor seems to be designed to authorise an universal plan that would provide services, independently on the status of international human rights within the country-level, although it might require legislative acts to ensure that the process of granting transfers will follow human rights norms (such as be free from discrimination). Global social policy, such as the social floor, may help realise social and economic rights in countries where human rights treaties have not been ratified, or in countries where national infra-structure is non-existent, but taken for granted. In fact, the MDGs, if achieved successfully, could have a similar effect.

The 2008 economic crisis has revealed discrepancies that exist between what the international community expects countries to do and what they can do alone. This exposure has also allowed the UN to start using language such as the universal social floor or the “global new deal”.<sup>208</sup> These innovations are

---

<sup>207</sup> Ibid, at 2.

<sup>208</sup> Bob Deacon "Shifting the Global Social Policy Discourse: The Impact of the Global Economic Crisis on Ideas about Social Protection, Social Development Policy and Global

profound and they make of the social floor the quintessential example of GSP. More so, they inaugurate a different posture of the UN towards boldly stating its willingness to do more in the social realm and to adopt frameworks different from development. CEB's social floor takes advantage of the global economic crisis to boldly state that it is working under a UN-System framework of "delivering as one" for the benefit of all countries.<sup>209</sup> And that this joint (or system-wide) approach will likely be required to address emerging challenges that differ from development challenges.<sup>210</sup> Equally important is to note that the committee acknowledged that the UN normative frame, when it comes to responding to new challenges, need to bring in "greater alignment" with the "operational work of the United Nations system at the global, regional, and country levels."<sup>211</sup>

As innovative as the discussions on the social floor are from a policy perspective, they have only superficially talked about the political challenges that GSP may reproduce or create. Addressing such challenges is vital for the implementation of the social floor in itself and for the long-term development of global social governance efforts.

### *3.2.2 Innovation in global service delivery*

There are several arguments in favour of the social floor, but it has been a challenging task for CEB to transform the social floor into partnered service

---

Social Governance" (paper presented to the UNRISD conference on Social and Political Dimensions of the Global Crisis: Implications for Developing Countries, Geneva, 12-13 November 2009).

<sup>209</sup> Economic and Social Council Chief Executives Board Annual Overview Report of the United Nations System Chief Executives Board for Coordination for 2008/2009 Un Doc E/2009/67 (2009) ["CEB's Report"].

<sup>210</sup> Ibid.

<sup>211</sup> Ibid, at 4.



delivery. Yet economic and operational considerations to implement the global social floor are well underway.<sup>212</sup>

... the definition [of a social protection floor] transcends the mandate of any individual UN agency so this document [discussed in Geneva in 2009] seeks to provide the elements for a coherent system-wide approach. Calculations by various UN agencies including the ILO, UNAIDS, UNICEF and WHO show that a basic floor of social transfers is globally affordable, even if the funding is not yet available everywhere. It would also have a major impact on poverty, access and use of key services including those for AIDS, tuberculosis and malaria, and on child labour and child trafficking. ... When properly implemented, already existing cash transfer and basic health systems in many developing countries have positive impacts on poverty, child labour, health and nutrition, education, social status of recipients, economic activity, without having negative effects on adult labour market participation. What is needed now is a UN-led global coalition to safeguard the attainments of the Millennium Development Goals, as an important element of social progress. The social protection floor provides a conceptual catalyst to do just that.

While the social floor is just an agenda item (albeit of great potential to change service delivery across the UN family,) the UN continues to engage in service delivery by scattered means, generally under the rubric of international development. Since agreement upon MDGs, the UN has improved old mechanisms and created new ones under its broad agenda for development. Provision of health care, especially healthcare to women and HIV/AIDS treatment, as well as food provision encompass a large percentage of international or global service delivery today. Matter of fact, as a result of the MDGs, many UN new inter-agency and global partnerships have been formed. For example:<sup>213</sup>

---

<sup>212</sup> “ILO and WHO’s Social Floor”, above n 205, at 2.

<sup>213</sup> “ILO and WHO’s Social Floor”, above n 205, at 6.

The World Food Programme is mandated to support economic and social development, concentrating its efforts and resources on the neediest people and countries. UNAIDS is working with partners to ensure universal access to HIV prevention, treatment, care and support as well as social protection mechanisms for patients and their families. UN-HABITAT in collaboration with UNITAR is developing guidelines on access to basic services for all. WMO [World Maritime Organisation] is promoting the development of Early Warning Systems relevant for a large range of natural hazards, which occurrence can jeopardize lives and goods, and ruining efforts to improve humankind conditions ...

More recently, two other UN-led mechanisms have contributed to global governance in public services and to, more specifically, MDG achievement. They are the MDG Fund (MDG F) and the World Bank's Public Private Infrastructure Advisory Facility (PPIAF). They both engage more openly with the language of public service delivery. The PPIAF's objective, however, is the enablement of private projects in building public infra-structure. The MDG-F focusses on realising MDGs through a partnership among the UNDP, the government of Spain, grant-recipient governments and nonstate actors working at the national level.

The World Bank (WB) when introducing public-private partnerships in infrastructure explains his position:<sup>214</sup>

Over the last fifteen years, governments around the world pursued policies to involve the private sector in the delivery and financing of infrastructure services. Private participation in infrastructure (PPI) and reforms were driven by the high costs and poor performance of state-owned network utilities. The scale of this move away from the dominant public sector model was far more rapid than had been anticipated at the start of the 1990s with investment flows peaked at US\$114 billion in 1997...

---

<sup>214</sup> World Bank Group "Other Resources" (2011) Private Participation in Infrastructure Projects Database <<http://ppi.worldbank.org/resources>>.

WB's PPIAF is a governance mechanism that also chose to differ from the public sector model, even when engaging with enabling the building of infra-structure projects that are vital for the organisation of social life and wellbeing. This mismatch between a model that is not public and its scope that is historically public raises important questions that have received little attention at the global context. One of the reasons for lack of considerations of publicness at the global level is that publicness of inter-state organisations is taken for granted. Even financial organisations founded by member-states, like the World Bank, enjoy a reputation that associates their work with public interests, especially outside of academic and NGO activism circles.<sup>215</sup> Academics and activists have been more critical, but they are still far from engaging enough with issues of publicness in the Bank's institutional context or in the broader social governance scenario. On one hand, the political ambivalence derives from the modern association of public services with the welfare State. On the other hand, the operational expansion derives from the necessity to achieve internationally-set social benchmarks that are often outside of the national reach, and also from advantageous economic opportunities that infra-structure represent for corporations in a globalised market. Not all of the UN work is influenced by these opposing trends. While mechanisms such as the PPIAF showcase that quantitative and private goals can sidetrack the need for broad politicisation and ethical considerations in global social governance, mechanisms such as the MDG Achievement Fund create opportunities for significant ethical, political, and operational innovation.

---

<sup>215</sup> DA Wirth "Partnership Advocacy in World Bank Environmental Reform" In JA Fox and LD Brown *The Struggle for Accountability: The World Bank, NGOs and Grassroots Movements* (Massachusetts Institute of Technology, United States, 1998).

### 3.2.2[a] Contrasting the MDG Fund and the World Bank's PPIAF

The MDG Achievement Fund (MDG F) is a recently created international organisation to facilitate and push for MDG achievement. More specifically, it was:<sup>216</sup>

...established in December 2006 with a contribution of € 528 Million (Euros) from the Government of Spain to the UN system with the aim of accelerating progress on the MDGs.

The MDG Fund is particularly relevant because it mainly funds local public services that are relevant to MDG achievement within 49 countries in need. The MDG Fund finances the initiatives and chooses priority areas. Within priority areas (such as child nutrition and youth employment), countries, NGOs and IGOs bid for grants and propose specific types of interventions to accelerate in-country MDG achievement.

There are qualities of international governance and qualities of global governance in the projects elected for intervention by the MDG F. First of all, the Fund was established by a major grant of the Spanish government and relies upon UN agencies for its operation. In addition, its first criterion for intervention is the list of countries eligible for funding, which has been decided at the moment of agreement between the Spanish government and the UN-System. In this regard the Spanish government, in its role as major donor, has adopted a conventional territorial approach to governance and service-provision.

---

<sup>216</sup> The MDG Achievement Fund “About Us” (2011) <<http://www.mdgfund.org>>.

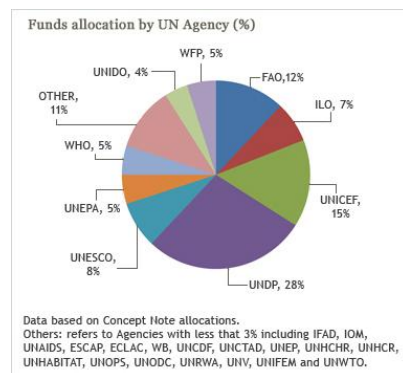
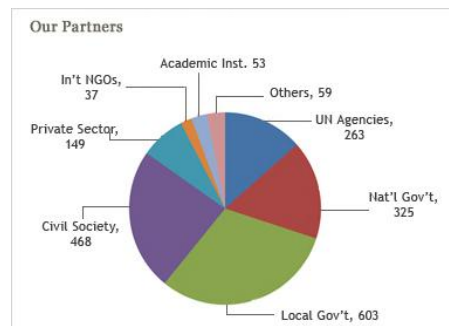
Global governance qualities, nevertheless, are significantly present in regards to the modus operandi of the Fund. The MDG-F mainly funds partnerships engaged in multi-level delivery activities; more importantly, it highlights that the MDG F works:<sup>217</sup>

... together with local and national governments, citizens and civil society organisations, NGOs and the United Nations to tackle poverty and speed up progress on the MDGs. With 128 joint programmes worldwide, the focus is on addressing inequalities and having an impact at the local level where people need it the most.

It also highlights that the MDG Fund has contributed to bringing to the UN a broader mechanism that cuts across individual-agencies mandates and, as a result, is able to promote more effectively UN policies that relate to attempts

---

<sup>217</sup> For instance, the MDG Fund makes available these two informative tables at The MDG Achievement Fund “Our Programmes” (2011) <<http://www.mdgfund.org>>.



to deliver as one. Finally, the MDG Fund pledges accountability at three different levels: the global, the international and the country-level, as well as it often engages directly with the local level, promoting forms of public service delivery that do not necessarily go through national bureaus or departments. One good example is the MDG F-financed programme to deliver potable water and sewage systems in 12 cities of Honduras. The programme was accorded between the Fund and six local districts. The Fund will finance the construction of 20 projects of water and sanitation in 12 towns of Honduras.<sup>218</sup>

In the analysis of programmes like the one above, it is quite clear that the MDG F, when it was designed, forecasted that it would have been heavily involved with global governance in public services. However, the MDG F website which follows a pledge for publicity, does not use the language of public services, but rather the language of partnered programmes to explain how it works. Again, a political justification for the absence of *service language* comes to mind: openly acknowledging the absorption of aspects of public service provision is to openly acknowledge MDG Fund projects should be classified as public, more specifically, (given the inadequacy of the traditional public sector frame) global public. This is particularly true when one considers public services medium of publicness. This way, the public services financed by the MDG-F, and the way they are designed, should help to construe social ownership, political openness, and visibility in social governance.

---

<sup>218</sup> The MDG Achievement Fund “News” (2011) <<http://www.mdgfund.org>>.

The MDG-F, however, works with financing services within the theme of democratic economic governance.<sup>219</sup> Within an economic governance framework, the MDG-F recognises that it is ready to make important decisions about public service delivery, albeit it is not clear what its public responsibilities are beyond a general statement in favour of accountability. It is clear that the MDG-F has helped to expand public service governance towards a range of actors, working mainly with the idea of partners in delivery. These partners can be local governments, civil society groups and/or national governments. They always include a combination of UN-agencies (generally up to 6 agencies). Hence, the MDG-F is able to directly impact on public service provision. Incidentally, one of the evaluation tools used to measure impact of MDG-F in the area of democratic governance is to look at “changes in the efficiency in the delivery of public services, as measured by changes in prices and cost of delivery” resulting from MDG F interventions.<sup>220</sup>

The Public Private Infra-Structure Advisory Facility (PPIAF) may also directly impact on public services. However, the Facility is concerned with facilitating the provision of many services, without worrying with democratic governance issues or with public services as mediums of publicness.<sup>221</sup> This posture is quite common in international development projects: the major concern is to make service available. Concern with the public nature of the

---

<sup>219</sup> UNDP “Government of Spain UNDP-MDG Achievement Fund (MDG F): Terms of Reference for the Thematic Window on Democratic Economic Governance” (2007) Development Studies < <http://www.undp.org/developmentstudies/docs/> >.

<sup>220</sup> Ibid.

<sup>221</sup> World Bank’s Public-Private Infrastructure Advisory Facility (PPIAF) Public-Private Infrastructure Advisory Facility (2011) World Bank <[www.ppiaf.org](http://www.ppiaf.org)>.

service in question becomes secondary or non-existent. Actually, in case of the PPIAF, since the World Bank's partners in building infra-structure are businesses looking for a commercial opportunity, the goal is about getting service delivered, but not so much about quality, or establishing means for public scrutiny.

The PPIAF is a joint facility created by the governments of Japan and the United Kingdom, working closely with the World Bank infra-structure department and other development agencies (such as the UNDP) to assist in the implementation of public private partnerships to build infra-structure. Projects range from assisting the private sector to partner with governments to implement better systems of trash pick-ups in Ethiopia, to forming private-public partnerships to promote the electrification of rural areas in Sub-Saharan Africa. Specifically, the programme on electrification has used what is called output-based aid, which relies upon economic subsidies and incentives to the private sector to invest in areas that are socially and economically vital and that have been left unattended.<sup>222</sup>

The PPIAF matters for global social governance because it intervenes in public services by facilitating the entrance of commercial nonstate actors in social governance. Thus, the PPIAF helps to form innovative public-private partnerships. The PPIAF is also important because it enters the realm of the social with a clear, overt business approach to public services. The study of the PPIAF, as it progresses through the years, can provide important insights

---

<sup>222</sup> More on the PPIAF can be found at the World Bank's Public-Private Infrastructure Advisory Facility (PPIAF) website Public-Private Infrastructure Advisory Facility (2011) World Bank <[www.ppiaf.org](http://www.ppiaf.org)>.



about how effective it is for inter-state organisations to adopt a business approach to public services, and enable cross-country, private sector provision of historically public services.

For the moment, the examples above provide robust evidence that UN-family organisations lead efforts in many areas related to public service governance, and adopt different approaches to public service governance. More importantly, they show that there is an ongoing expansion of the international apparatus towards adopting broader governance frameworks to build infrastructure. Nevertheless, the examples also show that amidst this transition, considerations of publicness (if these interventions should be made public even if a product of governance and not government) have been side-tracked, or reduced to a factual observation about the failure of the traditional public sector to respond to social demands.

For example, the position of the World Bank about publicness in partnerships for infrastructure is similar to the position of the UN (system-wide). It is pretty much a position not-taken, a position of ignorance. Publicness in public services has been reduced largely by the use of public-private partnerships, and has not been relocated by the efforts of the UN as the main international public player. That is to say that the UN has devoted significant resources towards crafting public-private partnerships of global reach, but it has not discussed the consequences of drifting away from what the World Bank called *the dominant public model*. Arguably, rushing to engage with public-private partnerships in the context of the MDGs has virtually not been accompanied by a preoccupation (neither by the UN nor by the World Bank) with the *public* component of public-private partnerships. Little has been discussed about how to compensate for the factual loss of traditional publicness. One would think

that this would be a more pressing topic, especially when it comes to partnerships in infra-structure. Until now global publicness types of debates have not made their way from academic discussions to IGO governance practices.

For instance, while UN efforts towards unifying administrative strategies such as “delivering as one” or “responding as one” often involves the participation of civil society organisations, this is not sufficient to address the loss of traditional publicness.<sup>223</sup> Debating the global aspects of publicness is now necessary.

### *3.2.3 Global publicness types of considerations: illustration in the context of the suggested universal social floor*

The suggestion for a global social floor is promising. Politically, it comes from one of the most powerful UN offices. The social floor receives the support of high-level officials such as ILO’s Director-General Juan Somavia, Helen Clark, head of the UNDP, and Josette Sheeran, Executive Director of the World Food Programme (WFP).

CEB’s 2008/2009 report brings relevant information about the UN overall current position amidst global crisis.<sup>224</sup> By differentiating the responses implemented in the 2008 economic crisis from regular development responses, the report clearly indicates that the role of the UN-system in global social governance will expand to provide more social services. The major concern here, however, is to understand why some of the responses that the Committee felt necessary in the post 2008 context have not been discussed before, given

---

<sup>223</sup> “ILO and WHO’s Social Floor”, above n 205, at 17.

<sup>224</sup> CEB’s Report”, above n 209.

that they are clearly referring not only to the crisis in itself, but to more generalised effects of economic globalisation.

In other words, the crisis *per se* did not engender a different, more unified and autonomous, posture of the UN. The high social cost of economic globalisation and liberalisation, added to the birth of an “unprecedented global consensus” on a broad vision of development “built through the historic United Nations conferences and summits held in the 1990s and 2000s,” prepared the terrain for the CEB to be able to suggest in 2010, what was long overdue.<sup>225</sup>

If ambivalence towards the global public sector has been the norm in UN documents, there is a change of tone in the 2009 CEB’s report. CEB is more comfortable in recognising the type of welfare governance that needs to be pushed forward by the UN. All of these elements indicate that promising developments are underway:<sup>226</sup>

At its most recent meeting, held in Paris on 4 and 5 April, CEB endorsed a set of initiatives developed by the High-level Committee on Programme for a system-wide response to the global financial and economic crisis in nine different areas. While recognising the importance of the threats posed by longer-term climate change and development challenges, the Board, in pursuing these initiatives, is building upon its ongoing work which is increasingly directed towards developing United Nations responses to emerging challenges.

By concentrating on emerging challenges, the UN starts to engage with another layer of publicness in social policy. This layer does not draw upon traditional state roles (not even upon international law), but upon new issues

---

<sup>225</sup> “CEB’s Report”, above n 209, at 184.

<sup>226</sup> “CEB’s Report”, above n 209, at Executive Summary.

that are transnational in nature, born out of transnational public opinion and out of transnational bonds of solidarity.<sup>227</sup>

Enhancing global publicness of global social policies, therefore, will require universal propositions such as the social floor, but also political and operational changes – a better political space to accommodate universal policies. For example, if a social protection floor is to be established at the global level (rather than at the international), the CEB will have to expand its joint initiatives beyond the UN framework, changing the focus from a system-wide approach to a global public approach. As it is, CEB's policies will probably be defined via pilot projects slowly integrated into regional and country-level offices. This is what happens to pilot projects within the scheme of “delivering as one”, for example.<sup>228</sup> Yet it is unknown whether this configuration (the CEB and the ILO taking a life of their own and proposing a wide policy such as the universal social floor to be deployed by the UN family) will attend to social needs that are urgent; that are not country-based but transnational.

Specifically, CEB's proposal for an universal floor raises questions about how to identify and attend to global public interests, without “toying with any notion of an imaginary plebiscite to discover the public interest” – although this idea, with the advancement of technology, is less impossible today than

---

<sup>227</sup> The transnationalisation of the public sphere has been argued in recent political philosophy by Nancy Fraser. For how the public sphere can be transnationalised to include new publics organised through the lines of transnational solidarities, see Nancy Fraser “Transnationalizing the Public Sphere: On the Legitimacy and Efficacy of Public Opinion in a Post-Westphalian World” in Nancy Fraser *Scales of Justice: Reimagining Political Space in a Globalizing World* (Columbia University Press, New York, 2010).

<sup>228</sup> “CEB's Report”, above n 209, at 4.

what it was when Walter Lippmann wrote his account of *the public interest*.<sup>229</sup> CEB's action towards creating an universal social floor emphasises the dichotomy between the reality of getting things done via executive bodies already available at the international level, and the necessity to politicize the governing of the social (in the sense of bringing it into the "recognizable public concern", which is in this case transnational).<sup>230</sup> If the social floor is to enjoy high levels of global publicness, it has to take transnational needs of communities as a "measuring rod",<sup>231</sup> guiding the global level in a process of welfare governance that does not patronise, in this case, the diverse beneficiaries of the global social floor.<sup>232</sup>

This tension can be summarised as a tension between means (genuinely inclusionary policies and self-steering) and ends (measurable results as fast as possible). In *means versus ends* resides one of the greatest challenges that I see plaguing global governance in public services coming from the UN. The necessary exercise of establishing the highest attainable level of global publicness, without jeopardizing the ability of achieving results. This compromise is so complex that it may, on one hand, enable the practical value of global publicness (because it is incremental and not absolute it is actually plausible) or, on the other hand, de-characterise global publicness in itself (it is incremental and we will never get there).

---

<sup>229</sup> Walter Lippmann *The Public Philosophy* (Transaction Publishers, New Jersey, 1989) at 41-49.

<sup>230</sup> Janet Newman and John Clarke *Public, Politics and Power: Remaking the Public in Public Services* (Sage, Los Angeles, 2009) at 2.

<sup>231</sup> Evan Luard *Socialism Without the State* (Macmillan, London, 1979).

<sup>232</sup> International Labour Organisation and World Health Organisation *The Social Protection Floor: A Joint Crisis Initiative of the UN Chief Executives Board for Co-ordination on the Social Protection Floor* (2009) ["ILO and WHO's Social Floor"].

Although the universal social floor will likely be devised by high-level executives, the initiative attempts to address issues that have been debated for a long time in social justice circles, transnational networks and community meetings. For example, one of the issues is wealth redistribution. In fact, CEB's elected areas of action embraced by the social floor reflect historical claims, which now begin to be discussed at, and sometimes undertaken by, the global level. CEB's position, however, poses a great challenge for a normative idea of global governance as self-steering, which may be highly desirable, but may never totally materialise in practice by UN-led initiatives, given that the UN was formed based on an idea of State representation.<sup>233</sup> The UN as a global public actor is not a representative of governments, but a mediator of the interests of multiple sources of power, old and new, traditional and non-traditional. New and non-traditional voices have gained traction in the context of the 2008 economic crisis.

The CEB showed enormous flexibility when it changed focus to address global problems aggravated (and made more visible) by the 2008 economic crisis. Yet more attention towards the relationships between the decay of statist publicness and global social problems is still needed. By being conscious of new forms of publicness, the CEB would likely enhance the chances of the social floor to work. For now, what should no longer happen at the UN is ignorance of the existence and the importance of an emerging global public sector that starts to shape global publicness. The content of global publicness (including global and international services) need to be carefully debated and reflected upon, even when the nature of the policy response to a global challenge is presumed to be a benevolent one.

---

<sup>233</sup> Ibid, at ch 3.

#### *IV UN Exercising Social Leadership: Questioning Old Habits*

This chapter exposes that, in the practice of its social policies, the UN adopts a technical assistance culture, defers to the institution of national sovereignty, and searches for fast, measurable results. These patterns create operational habits that are not particularly favourable to confirm the UN as a global social governance leader. Some of these habits, or patterns, have been more studied than others, but they all seem to equally undermine the capacity of the UN to be effective as a global leader.<sup>234</sup> For the purposes of this thesis, these habits are part of the map of how global governance in public services take place, as they are important areas where to concentrate further action.

The UN case-study has exposed the following patterns:

##### *4.1 Disjointed UN Interventions*

Disjointed interventions are a challenge to effective global social governance.

Some UN agencies continue to operate under traditional technical assistance frameworks, engaging mainly with vertical interventions. Others, as demonstrated above with examples of future and current mechanisms, such as the global social floor and the MDG Fund, adopt broader multi-actor frameworks. Yet the UN suffers from not crafting an overarching global public approach to social governance. While the MDGs have functioned as catalysts

---

<sup>234</sup> Governance scholars have paid significant attention to two of the patterns here identified. These two patterns are the weak role played by the General Assembly in social policy-making and the fact that the UN works in silos, or disjointly, when it comes to how it conducts its own organisational governance. For more on these arguments see JR Groom and Paul Taylor (eds) *The United Nations at the Millennium: Principal Organs* (Continuum, New York, 2000).

for global social action, they are mainly quantitative targets internationally established, offering only limited guidance.

Finding a cohesive approach to UN action in social governance is a significant challenge. The United Nations Evaluation Group (UNEG) which is under the auspices of the UNDP, concluded that “there is no centralized coordination and/or planning of evaluation for the UN system as a whole.”<sup>235</sup> This raises concern, given that the UN lacks a broader vision and framework for global social governance. On the other hand, too much centralisation of operational processes might impair effective global governance, (which includes higher levels of self-steering) rather than advance it.

CEB and the United Nations Development Group (UNDG) are coordination bodies with the difficult task of finding middle ground between coordination and imposition/control of activities of the *UN* bodies and specialised agencies. These organisations work in a wide range of ways, often autonomously and remotely making important decisions towards achieving MDGs targets.<sup>236</sup> UN coordination mechanisms thus far have succeeded in diminishing duplication of processes within the UN, but have had little impact on the creation of social value through the consolidation of social norms and global partnerships.<sup>237</sup> Specifically, when one resorts to global governance theory, one understands that strong social norms should enable self-steering (thus promoting less need

---

<sup>235</sup> UNEG's Working Group on Evaluation and Oversight *Evaluation in the UN System* (2010) United Nations Evaluation Group <[http://www.unodc.org/documents/commissions/WG-GOVandFiN/Evaluation\\_in\\_the\\_UN\\_system1.pdf](http://www.unodc.org/documents/commissions/WG-GOVandFiN/Evaluation_in_the_UN_system1.pdf)>.

<sup>236</sup> Bob Deacon “The Governance and Politics of Global Social Policy” (2005) 4 *Social Policy and Society* 437, at 441.

<sup>237</sup> UNEG's Working Group, above n 235.



for traditional coordination). In theory, strong social norms make possible inter-agency coherence with less centralisation and formal regulation.<sup>238</sup>

In fact, UN coordination mechanisms have not been able to herd agencies and nonstate actors under a more cohesive set of norms to guide governance.<sup>239</sup>

As a result, UN engagement with global social governance has been piecemeal. UN coordination mechanisms generally focus on coordinating jurisdictional matters within the UN. As it currently happens, once UN agencies have their mandates established and ascertain jurisdiction over a policy issue, they enjoy a lot of discretion to decide how they will operate and how they will prioritise programmes and funding.

The UN main agencies should not see themselves as comprising the world executive that will perform the tasks for humanity, but rather as the organisers that will open avenues for safe, coherent and effective self-steering of the global public overlayer. A different view of coordination might help to open more avenues for better sociological engagement among UN institutions and between the UN family and other organisations. If the UN transitions from a position that has used coordination to seek efficiency (mainly concerned with not duplicating efforts) to coordination to bring people and institutions together by deliberating common goals (mainly creating social value), propositions such as “delivering as one” can be more successful and expanded to include non-UN actors.

---

<sup>238</sup> For more on global governance theory, see Chapter 1.

<sup>239</sup> David Kennedy "Book Review: The Decay of International Law? A Reappraisal of the Limits of Legal Imagination in International Affairs. By Anthony Carty" (2010) 81 *The American Journal of International Law* 451.

#### *4.2 Marginalisation of the General Assembly*

The UN General Assembly has a pivotal role to play in helping the UN to build an overarching framework for global social governance that is grounded upon consolidated social norms. Most would agree that the GA in itself is not particularly democratic.<sup>240</sup> However, the GA has exercised leadership in promoting social welfare in parts of the world where it is most needed, reflecting that, even as a contested political space, the GA has provided governments of the Global South with some sort of platform to voice their demands.<sup>241</sup> Hence, the GA presents a real, and perhaps the most attainable, possibility of democratic improvement within the UN in the short and medium terms. GA's present and future roles matter because of the GA's deliberative and political character.

The highly political character of the GA has often been interpreted as a negative influence in social governance. Social governance has been interpreted as essentially technical, especially when it comes to providing services to developing countries.<sup>242</sup>

Despite opposition towards vertical, international policies expressed at the GA floor by recipient countries, the GA has been left out of many important decisions concerning social policy and service provision, including budgetary

---

<sup>240</sup> Soo Yeon Kim and Bruce Russett "The New Politics of Voting Alignment in the United Nations General Assembly" (1996) 50 *International Organisation* 629.

<sup>241</sup> For more on the General Assembly as political forum capable of hosting new alliances under a North-South cleavage, see Soo Yeon Kim and Bruce Russett "The New Politics of Voting Alignment in the United Nations General Assembly" (1996) 50 *International Organisation* 629.

<sup>242</sup> See also the previous section "3.1.1 History of technical assistance: origins of public service governance from outside the State".

duties, which have been transferred to specialised agencies.<sup>243</sup> Resistance towards giving the GA more power to deliberate about the delivery of social programmes flags the difficulty of democratising global social acts, no matter which perspective on publicness one takes. Neither a traditional perspective (which understands the GA as the ultimate representative of member-states) nor a global public perspective (which understands the GA as an assembly that could represent not only the votes of member States, but that could find mechanisms to hear transnational nonstate actors) is sufficient to address democratic challenges impacting GA's role in social policy-making. There are other challenges that relate to UN's internal governance, such as the relationship of the GA, a political body, with specialised agencies, which are technical bodies making important political decisions.<sup>244</sup>

Recent reforms and an alleged millennium mind-set have not changed the dynamics of how the GA interacts with specialised agencies.<sup>245</sup> In fact, the MDGs have concentrated more decision-making power at the hands of specialised agencies.<sup>246</sup>

Many of the powers that have historically been concentrated in the hands of specialised agencies are significantly impacting on how the MD manifests itself on the ground. They demonstrate the difficulty in having a genuine global project, when the ethical and political elements of these projects are overridden by an exclusive focus on meeting targets and measurable

---

<sup>243</sup> Nashat, above n 165, at 77.

<sup>244</sup> Ibid.

<sup>245</sup> See generally, United Nations Department of Economic and Social Affairs Office for ECOSOC Support and Coordination "Achieving the Internationally Agreed Development Goals: Dialogues at the Economic and Social Council" (UN ESCOR, New York, 2005).

<sup>246</sup> Ibid.

benchmarks. More importantly, it is even more difficult to legitimise governance of public services outside domestic legitimacy, when the project of assistance has not been historically democratic, but rather representative of rich/poor, winners/defeated, or, more recently, North/South politics. For instance:<sup>247</sup>

One of the main determinants of the policy of the United States and other governments towards EPTA [Expanded Programme on Technical Assistance] was their desire to isolate technical assistance activities from the tense political controversies which dominated the UN debates in the 1950s. They held that the technical competence of the specialised agencies should be fully recognised and the role of the Economic and Social Council and the General Assembly should be therefore limited to laying down ... criteria and priorities for the Programme. Drafted under such thinking, Resolution 222 limited the Council's functions ... Their proposals aimed at narrowing the scope of interference by the intergovernmental bodies of the United Nations in EPTA. (...) Faced with such vested interests the developing countries were unlikely to enjoy much real control over EPTA. (...) The advanced donor countries on the other hand, especially large donors, could generally influence EPTA operations.

Global governance in public services, understood differently from development and beyond an operational methodology that includes nonstate actors, requires devolution of original social functions to political bodies. Consequently, projects that involve global welfare should be led by the General Assembly, programmatically at the ECOSOC, as foreseen by the founders of the League of Nations.<sup>248</sup>

---

<sup>247</sup> Nashat, above n 165, at 77.

<sup>248</sup> Sands and Klein conceptualise the General Assembly as “the plenary organ of the UN, consisting of all member States, each with one vote but entitled to five representatives. In September 2005, world leaders reaffirmed ‘the central position of the General Assembly as the chief deliberative, policymaking and representative organ of the United National [sic] as well as the role of the Assembly in the process of standard-setting and the codification of

The ECOSOC has its own committees and programmes which have an impact on several welfare areas as well. However, the ECOSOC's programmatic work is limited by the competences of specialised agencies (including the WHO and the ILO). In overlapping areas, it exercises a mere residual role. These areas represent key public sectors. If the global level performs vital public functions, its most important deliberative bodies should not play a residual role; they should play a greater role in any of the processes involved (be they of administration, policy-making, or budgetary.) Clearly, duplicated efforts and waste of resources are major concerns. Yet it is suggested that issue-area alone should not be the criterion used to guide the division of tasks in global welfare. Rather, expertise needs to be combined with global politicisation. These two-fold criteria (political and technical) render many international institutions inadequate to mediate global social policy making alone. In fact, very few organisations will enjoy the same qualities as the World Health Assembly (WHA). This political, deliberative body handles issues strictly confined to global health. The qualities of the WHA have contributed to the success of global health as a policy-field. Other policy-fields could also benefit from a similar arrangement. The GA could serve as the global political stage needed to host global deliberations (including nonstate actors) on specific policy-fields.

Although this exceeds the GA mandate, it could help to advance democratic tools of global social governance within a traditional interstate organisation. Specialised agencies, created as technical agencies, often engage with similar activities, which have transformed the governing of the social. They allocate

---

international law.” Philippe Sands and Pierre Klein *Bowett's Law of International Institutions* (6th, Thomson Reuters (Legal), London, 2009) at 25.

money and write budgets, they set priority-areas, and they build programmatic agendas autonomously, many times without undergoing public deliberation.<sup>249</sup> Because of the tendency to delegate to technical bodies, and to forget about the public nature of the services provided by the same technical bodies, GA's potential as an effective leader of global social governance has been questioned, as has been the potential of the ECOSOC. Traditionally, two types of challenges, political and legal, are mentioned when it comes to the GA's ability to lead governance schemes.

The political challenge resides on historically established power-breaking roles. A universal project requires that power be more evenly distributed and that large and small countries buy-into the universal benefit of proportional and redistributive social policies. It also requires that priorities be analysed against the impact upon different social groups, which are not necessarily determined by citizenship, but rather by transnational affiliations (i.e. gender, race, religion).

In the last twenty years, member-states have become more sympathetic to reforming the way the GA engages with social policy-making. They have entertained transnational claims in governance talks and paid more attention to the subject-matters that are generally discussed at the ECOSOC (under the auspices of the GA). For instance, the possibility of creating an Economic Council modelling, but more inclusive than, the Security Council (SC), has been recently debated. It would not have been even mentioned ten years

---

<sup>249</sup> Nashat, above n 165, at 75-79.

ago.<sup>250</sup> Other debates that have been revived include the Tobin Tax and Conditional Cash Transfers (TCCs).<sup>251</sup> There are other signs towards the politicisation of socio-economic governance being pushed by the main UN-Charter bodies, the GA, the Security Council and the UN Secretariat, especially in the recent context of the 2008 global economic crisis.

In terms of global welfare, even the Security Council has ruptured with *business as usual* in order to extend the services of the world organisation to several countries in-need, as in the example of treating HIV/AIDS as a threat to peace and security.<sup>252</sup> While postal and meteorological services for years were used to attest to the effectiveness of international law, it is time to recognise that the global level can successfully mediate other types of claims, which are more political in nature. It is possible to envision social areas in which the global social machinery is not only relevant (it matters and it works), as it becomes vital for effective governing of the social. While UN-wide action is required, the GA, as the most important deliberative forum, needs to be at the centre of mediation of transnational social claims.

---

<sup>250</sup> *Security Council Presidential Statement Stresses Need to Consider Economic, Social as Well as Political Factors in Maintaining International Peace, Security* UN SCOR, 6479th mtg (2011).

<sup>251</sup> For more on the Tobin Tax, see M Haq, I Kaul and I Grunberg *The Tobin Tax: Coping with Financial Volatility* (Oxford University Press, New York, 1996).

<sup>252</sup> SC Res 1308 (2000) is historical not only because it is the first time that the Security Council deliberated about a health matter, but also because it encourages the fortification of an unified response coming from the global level that will operate side-by-side to traditional technical assistance schemes. In other words, assistance to member-States is not the only suggested mechanism to combat the spread of HIV/AIDS. Resolution 1308 stresses “the need for coordinated efforts of all United Nations organisations to address the HIV/AIDS pandemic in line with their respective mandates and to assist, wherever possible, global efforts against the pandemic. *Responsibility of the Security Council in the Maintenance of Peace and Security: HIV/AIDS and International Peace-Keeping Operations* SC Res 1308, S/Res/1308 (2000). And, United Nations Programme on HIV/Aids, *Goals, United Nations Declarations and Resolutions on AIDS* (2010) United Nations <<http://www.unaids.org/en/AboutUNAIDS/Goals>>.

Related to the difficulty in ascertaining its relevant global political role, the GA faces challenges to affirm its capacity to make global social policy. From a legalist perspective, the main obstacle is the so-called *soft* character of GA resolutions, the main instruments of GA policy-making.<sup>253</sup> Despite the fact that the GA influences the making of international law (by encouraging State practice, by overseeing the work of agencies, by consistently repeating its recommendations and by making international customary law), most of its resolutions are considered recommendations with no binding effect externally to the UN. From this formalist reading, however, many important nuances of the GA work as a global actor are overlooked.

GA's resolutions are numerous and varied in content, dealing with most matters of human interest and binding the world's official bureaucracy, the UN Secretariat. In almost every subject, resolutions can signal the political orientation of the international community, and in some areas, they determine policy priorities for the UN. The choice for fragmentation in delivery inherited from liberalisation has limited GA's influence: many programmes necessary to carry forward the priorities of the international community are being executed by organisations that are outside of the jurisdiction of the UN and far from sharing UN's values. More than delivering, however, many of these organisations are unilaterally making important decisions about people's welfare.<sup>254</sup>

---

<sup>253</sup> MP Karns and KA Mingst *International Organisations: the Politics and Processes of Global Governance* (Lynne Rienner, Boulder (Colorado) 2004) at 100.

<sup>254</sup> Evan Luard *The Globalisation of Politics: The Changed Focus of Political Action in the Modern World* (Macmillan, London, 1990).



As the history of UN programmes in technical assistance tells us, many of the important operational, day-to-day decisions that define the welfare work of the UN have been delegated to specialised agencies.<sup>255</sup> In the same way that it is undesirable to centralise all execution at the GA, it is possible to attribute to it more decision-making. Different governance mechanisms that can subject specialised agencies to work under the auspices of GA's policy priorities and budgetary capacity are needed. In this sense, a less fragmented practice led by a more politically open GA may engender more open and more collectively-owned global governance.

Due to the deliberative character of the GA, a stronger role in global public service governance, especially in enhancing the levels of self-steering, could not only contribute for a fairer distribution of world resources, but also for a renaissance of the General Assembly as remodelled global public forum. In this fashion, the ideal role of the GA in global governance builds upon the Global South's claim for the revitalisation of the GA, especially after the 2008 economic crisis.<sup>256</sup>

---

<sup>255</sup> Nashat, above n 165, at 75-79.

<sup>256</sup> In the words of AJR Groom, the function of the League of Nations was "to promote and regulate transactions, to deal with problems within and between States, and to take advantage of opportunities and necessities in particular areas of human intercourse." The author further explains that in the transition period between the existence of the League and the founding of the United Nations, the new form of organizing internationally meant a massive attempt at social and political engineering, reflecting some of the objectives of the Enlightenment project. It also represented a growing concern with interstate war, rather than the "old" famine and plague. Societal concerns follow a cyclical pattern. The attention of international players (no longer only formed by foreign ministers and their delegations) has shifted, once again, towards internal wars, famine, and 20th century plagues, such as HIV/Aids and mutated types of flu. A General Assembly rebirth and, hence, emphasis on the global-social milieu seems to be required. In JR Groom "Getting to Go: The Birth of the UN System" in JR Groom and Paul Taylor (eds) *The United Nations at the Millenium: Principal Organs* (Continuum, New York, 2000) , at 2.

### ***4.3 Confusion about Autonomy and Capacity to Make-Decisions***

Many of the recurring critiques against the public service work of the UN actually address the UN's specialised agencies. These critiques address the unchecked degree of autonomy that these agencies enjoy when making decisions that directly affect people's welfare within States.<sup>257</sup> Specialised agencies can enjoy a larger degree of autonomy when representing one party in a bilateral transaction, for example. When working with global public service governance, specialised agencies should not enjoy the same degree of autonomy they have been able to in development projects. For example, by defining programmatic and budget details of social service that can affect people all over the world, specialised agencies may exceed their technical role, making political decisions of the kind that they were supposed to avoid when they were first created.<sup>258</sup>

Historically, one of the justifications to delegate tasks that would originally fall under the jurisdiction of the main bodies of the UN to specialised agencies was the UN's highly political character. Specialised agencies were first designed as technical bodies. However, politicising the issue of global welfare regains importance once new kinds of social policies and service provision emerge. Such politicisation needs to make its way to the proper forums inside and outside the world organisation. For example, larger deliberation about regulation of autonomy and capacity to make global welfare types of decisions is urgently needed.

---

<sup>257</sup> M Nashat *National Interests and Bureaucracy versus Development Aid* (Tribune Editors, Geneva, 1978) at 71.

<sup>258</sup> Ibid, at 56.

In the meantime, confusion about autonomy and capacity is great, and resolved unsystematically on the day-to-day of social governance projects. *Relative autonomy* is an useful concept to clarify how global actors deal with autonomy and capacity issues as they emerge in practice.

I borrow from Deacon, Hulse and Stubbs to explain the idea of relative autonomy; they see it as the type of autonomy used by international organisations working with social policy. They clarify that relative autonomy is:<sup>259</sup>

... shaped in part by the policies of the most powerful State actors underpinning them, nonetheless, the IOs [International Organisations] themselves and particularly their human resource specialists have a degree of autonomy within this framework which has increasingly been used to fashion an implicit global political dialogue with international NGOs about the social policies of the future that go beyond the political thinking or the political capacity of the underpinning State.

Deacon argues that international organisations work in global social policy takes on a life of its own, relatively independent from the demands posed by the underpinning State. In global governance in public services, this fact is exacerbated by the demand for more and more global services. IGOs and NGOs are increasingly using the global structure to divide tasks and provide social services; they are doing so with similar, relative autonomy.

The word *relative* is interpreted by Deacon vis-à-vis national demands. Given that global governance is a multi-actor framework without a centre of authority and with enhanced levels of self-steering, relative autonomy in global social governance should be expanded to mean relative autonomy from

---

<sup>259</sup> Deacon, Hulse and Stubbs, above n 152, at 44 and 61.

any major restrictive source of power, be it the nation-state or an international financial institution, or a powerful UN agency.

The current lack of systems to organise autonomy and capacity issues harm UN action in two ways. First, it may allow agencies that should not have the capacity to make decisions of global public consequence to do so without public scrutiny. Second, it may prevent the UN bodies and agencies from exercising their full capacity as global social governance leaders because jurisdiction that should have been discussed and clarified is still understood as exclusive of the nation-state.

Consequently, the autonomy debate should be further developed in regards to how the UN political bodies (especially the General Assembly) negotiate leadership with its specialised agencies and with other transnational, international, national and local actors when global social challenges need to be addressed. This debate is different from the debate about autonomy that we are used to – which is reduced to the autonomy of the UN family vis-à-vis nation-states. The debate that is missing includes discussion about how relative autonomy and capacity is organised and made clear in a multi-actor political setting, pressed to deliver rapid social policy responses; and how this can be done in a way that helps to rebuild publicness, instead of undermining it.

#### ***4.4 Detachment of the Rights Discourse from a Global Public Service Provision Strategy***

The research shows that the UN hesitates to adopt the human rights framework to conduct its work in the social realm. As a result, it only partially addresses

critiques against a historical prioritisation of civil and political rights in detriment of social and economic rights.<sup>260</sup>

Social, economic and cultural rights (ESCR) have gained prominence after the Millennium Declaration, provoking questions about the role of the UN in enforcing these types of rights through global social policy making. The Millennium Declaration and the MDGs have also provoked debate about the types of implementation obligations generated by ESCR not only upon nations-states, but also upon international and transnational organisations making social policies. Yet the implementation of MDGs is still disconnected from a strategy about globally promoting service provision as a result of a commitment to ESCR.<sup>261</sup> Assessing the implications of this divide is very relevant for the future of the UN's involvement with global social policy and global governance in public services. For instance, governance frameworks, such as the MDGs, have demonstrated more potential to impact more on the ground (for better or worse) than what international human rights have been able to achieve. The MDGs have intervened in social problems, transforming government welfare policies, independently of ratification of human rights treaties and conventions.<sup>262</sup>

---

<sup>260</sup> For a complete list of ESCR, see the *International Covenant on Social, Economic and Cultural Rights* (opened for signature 16 December 1966, entry into force 3 January 1976).

<sup>261</sup> For a broader discussion on the weak relationship between the MDGs strategy and the Human rights framework see E Dorsey and others "Falling Short of our Goals: Transforming the Millennium Development Goals into Millennium Development Rights" (2010) 28 *Netherlands Quarterly of Human Rights* 516-522.

<sup>262</sup> A full account of the consequences of ESCR's historical, contentious relationship with the responsibility for service provision is not possible here. For this thesis, the debate is relevant to the extent it reduces or advances the consolidation of the global public sector. Arguably, the debate will have to be revisited sooner rather than later, in the context of innovative global public service provision. Amartya Sen, for example, had been working on the alleged dichotomy between political rights and economic needs for more than a decade when he made

Although MDGs do not engage with the international human rights framework, which is a clear challenge to UN internal governance, MDGs have partially emerged from a normative transformation pushed by a belief that certain rights are universal.<sup>263</sup>

Global governance in public services has grown partially because of the international human rights revolution of the recent years. According to Falk, the global acceptance of the human rights discourse is perhaps the most important normative shift of the 20th century, providing, at a minimum, policy guidance to the Millennium Project. There is a clear relationship between social and economic rights and MDGs. Yet most UN agencies avoid talking about their social policy work in any way that implicate a connection with human rights obligations. The UN engages with the MDGs and the human rights framework as if they represented completely different agendas. Although this is an internal governance issue, it resonates politically and more broadly. For instance, the international human rights framework is scheduled to undergo significant reforms in 2012.<sup>264</sup> The high-level debates concerning human rights reform do not even mention the MDGs. Relatedly, they do not take advantage of this opportunity to renew the discussion about what to do to advance the realisation of social and economic rights.

UN agencies are devoting time and money to achieve MDGs, which are closely associated with bringing social and economic rights to fruition. The

---

a more solid argument in favour of the indivisibility of human rights in his book *Development as Freedom*. A Sen *Development as Freedom* (Knopf, New York, 1999).

<sup>263</sup> United Nations Millennium Declaration GA Res 55/2, A/55/L.2 (2000).

<sup>264</sup> For more about the reform of the international human rights framework, see Office of the United Nations High Commissioner for Human Rights “The Treaty Body Strengthening Process” (2010) < <http://www2.ohchr.org/english/bodies/HRTD/index.htm>>.

World Food Programme, nonetheless, has dealt with realisation of the right to food and MDG achievement as if they were completely separate matters. MDG 1 (eradication of poverty and hunger) has provided the framework for food distribution policies. These policies result from MDG 1 and its target 1c: “Reduce by half the proportion of people who suffer from hunger.”<sup>265</sup> Because of MDG 1, the WFP has expanded its efforts to distribute food.<sup>266</sup>

The WFP justifies why it is currently better positioned to provide food transfers than other national or international actors. The justifications range from “unparalleled field presence,” “capacity to implement large-scale programmes,” “experience working with partners, including governments, the United Nations agencies and a large number of non-governmental organisations” to “potential to consistently provide voucher, cash transfer and food transfer programmes according to local circumstances, and to flexibly switch their use as circumstances change over time.”<sup>267</sup>

The policy document, in which the WFP breaks the silence about why it should be providing food services from the global level, does not mention the international right to food at all. This is surprising because ESCR, the MDGs, and related global services demonstrate clear affinity.<sup>268</sup> The right to food could have been used as a justification, but it was not. In lieu of the international legal justification, the WFP chose mainly technical justifications.

---

<sup>265</sup> United Nations Development Programme “Goal 1: Eradicate Extreme Poverty and Hunger” (2010) Millennium Development Goals < <http://www.undp.org/mdg/goal1.shtml>>.

<sup>266</sup> World Vision (NZ) “World Vision and WFP: Partnering to Feed the World” (2009) <<https://worldvision.org.nz/waystogive/World-Food-Programme.aspx>>.

<sup>267</sup> United Nations Development Programme “Goal 1: Eradicate Extreme Poverty and Hunger” (2010) Millennium Development Goals < <http://www.undp.org/mdg/goal1.shtml>>.

<sup>268</sup> E Dorsey and others “Falling Short of our Goals: Transforming the Millennium Development Goals into Millennium Development Rights” (2010) 28 Netherlands Quarterly of Human Rights 516-522.

The WFP, endorsed by the ECOSOC, has briefly stated that efforts towards achieving target 1c have followed the right to food framework.<sup>269</sup> The legal basis for the right to food framework:<sup>270</sup>

...is contained in article 11 of the International Covenant on Economic, Social and Cultural Rights, which in its paragraphs 1 and 2 outlines the right to an adequate standard of living, including food, and the fundamental right of everyone to be free from hunger.

However, this is not a predominant approach of the WFP. The Food and Agriculture Organisation (FAO) is the agency *insisting* on the need to renew “commitment to guarantee the right to food for the world’s hundreds of millions of hungry people.”<sup>271</sup> The WFP has not embraced this approach. The WFP leads concrete efforts towards “partnering to feed the world” based on and supported by the MDG 1 framework and, arguably, not the human right to food framework.<sup>272</sup>

WFP documents discuss little about the right to food framework. The WFP, even in the context of its most important programmes, such as the programme on Cash and Vouchers to transfer money to people “who are struggling to buy food for their families,”<sup>273</sup> has not articulated the provision of global food services as connected with the international right to food. In other words, the cash and vouchers programme breaks ground and invests in a framework that

---

<sup>269</sup> “CEB’s Report”, above n 209, at 5.

<sup>270</sup> *The Right to Food Note by the Secretary General*, UN GA, UN Doc A/56/210 (23 July 2001).

<sup>271</sup> World Food Programme “FAO Insists on Food as a Human Right: World Food Day Theme Seeks Renewed Commitment to the Right to Food” (October, 2007) News <<http://www.wfp.org/news/news-release/fao-insists-food-human-right-world-food-day-theme-seeks-renewed-commitment-right-food>>.

<sup>272</sup> World Vision (NZ) “World Vision and WFP: Partnering to Feed the World” (2009) <<https://worldvision.org.nz/waystogive/World-Food-Programme.aspx>>.

<sup>273</sup> World Food Programme “Cash and Vouchers” (2011) Our Work <<http://www.wfp.org/cash-and-vouchers>>.



goes beyond technical assistance, taking important steps towards adopting a global public service governance framework. But it does not link global food governance with a specific international legal obligation deriving from the right to food. For instance the WFP explains the reasons for and the objectives of its Cash and Vouchers policy by explaining that:<sup>274</sup>

Food assistance refers to the set of instruments used to address the food needs of vulnerable people. The instruments generally include in-kind food, vouchers and cash transfers. While food transfers represent WFP's traditional form of food assistance, this document [2008 WFP report] shows how vouchers and cash transfers could be used by WFP as complements or **alternatives** to food transfer programmes [referring to nationally provided]. (emphasis added)

By implementing a global service of Cash and Vouchers (in light of national programmes that distribute food stamps), the WFP realises the right to food for some groups of individuals located in diverse regions of the world. The ongoing building of innovative global policies to supplement or substitute the provision of staple welfare services from the global level –such as WFP's vouchers – opens up opportunities for action, and for different interpretations to emerge in regards to ESR realisation, and also ESR implications for global governance. Global public service delivery seems to indicate that a stronger interpretation about the relationship between ESR and services is needed. Finally, innovative global social policies also signal that delivering ESR may now fall upon multiple actors, potentially avoiding the political challenges historically faced by their implementation.

---

<sup>274</sup> World Food Programme “Vouchers and Cash Transfers as Food Assistance Instruments: Opportunities and Challenges” (2011) Policy Planning and Strategy Division <<http://docustore.wfp.org/stellent/groups/public/documents/communications/wfp200471.pdf>>.

As economic and social rights are programmatic, because they require the implementation of public services schemes to be realised, liberal economies (especially the United States) have historically opposed them. The relocation of publicness partially pushed by the 2008 global economic crisis and gradual impoverishment of the United States' working and middle classes may change the dynamics of such opposition. Independently of the position of liberal economies, the connection between ESCR and global governance in public services is becoming more and more visible.

Mostly social and economic rights, rather than civil and political rights, provide policy frames to the global public sector.<sup>275</sup> The potential of human rights to promote material benefit, lifting populations around the world from poverty and subjugation, requires a more overt articulation of ESCR from an operational perspective.

The right to health is a good example of recent adoption of an operational approach that took more than thirty years to be recognised and that is still seen suspiciously. The *right to public health* has been articulated as a collective right,<sup>276</sup> which includes operationalisation of the right to health via universal

---

<sup>275</sup> Civil and political rights contribute to public services indirectly. For example, when it comes to criminal justice, the ECOSOC's Commission for Crime Prevention and Criminal Justice functions as an incubator of prevention of crime and treatment of offenders, promoting policies that aim at encouraging due process, combating discriminatory practices, ensuring humane treatment of offenders, and also regulating international crime. *Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme* GA Res 46/152, A/Res/46/152 (1991).

<sup>276</sup> BM Meier and LM Mori "The Highest Attainable Standard: Advancing a Collective Human Right to Public Health" (2005-2006) 37 *Columbia Human Rights Law Review* 101.

access. Paul Hunt, the former UN Special Rapporteur on the right to the highest attainable standard of health, explains:<sup>277</sup>

... through the endeavours of innumerable organisation and individuals, the content of the right to health to the highest attainable standard of health is now sufficiently well understood to be applied in an operational, systematic, and sustained manner. Crucially, this understanding is not new: it dates from within the last 10 years or so ... At the heart of the right to highest attainable standard of health lies an effective and integrated health system encompassing medical care and the underlying determinants of health, which is responsive to national and local priorities and accessible to all.

From the operational perspective of the right to the highest attainable standard of health, Hunt argues for a reconsideration of health systems. He grounds his argument upon a revision of the, arguably, most important document related to the right to health, the Alma Ata Declaration of 1978, which represents a people-centered framework for global health, based on the figure of the family doctor and preventative care.<sup>278</sup> Hunt's articulation is one of the best examples of what a broad-based reading of economic and social rights could achieve. Hunt, nevertheless, misses the opportunity to implicate the global level, which has had in health one of its major global social policy agendas. In fact, global health governance policies generally do not take advantage of a pragmatic perspective of the right to health.<sup>279</sup>

Relatedly, ESCR language is not always welcome in politically liberal environments that have favoured governance frameworks, especially because it implies the expansion of public provision, whereas publicness is seen as an

---

<sup>277</sup> Paul Hunt and Gunilla Backman "Health Systems and the Right to the Highest Attainable Standard of Health" (2008) 10 *Health and Human Rights: An International Journal*, at Introduction.

<sup>278</sup> *Ibid*, at section 4. For more on the Alma Ata Declaration, see Chapter 4.

<sup>279</sup> Hunt and Backman, above n 277, at 12.

exclusive quality of States. When the UN adopts language related to global social policy, rather than ESCR, the political challenge is diminished. GSP seems to be more politically effective than ESCR' language. Consequently, the global social policy language has pushed an agenda that favours global service provision that could contribute significantly to realising ESCR. Yet it has done so without engaging with important questions about who has a duty of action towards realising ESCR. Addressing this big question mark, which still hovers over the heads of high-level officers, could open up new avenues for more effective global governance in public services.

In many nations, quality food, good schooling, potable water, or a comfortable house has become luxury item. In addition, across countries, indigenous communities and communities of colour disproportionally suffer from lack of access to these public services.<sup>280</sup> This transversal character of being in-need of services should encourage the UN to not only ground its public service actions upon technical advantages, and MDG achievement, but also on favouring solutions that honour ESCR and promotes their realisation.

The absence of the rights-based framework in global public service governance is revealing of historical political tensions and of important consequences. It represents, at a minimum, a missed opportunity to revisit the discussion about how to realise ESCR, aiming at bridging the gap between human rights discourse and necessary action.

---

<sup>280</sup> For a structural view of inequalities, including disproportional lack of public service provision to communities of colour, see African American Policy Forum, *13 Myths about Affirmative Action* (2006) Affirmative Action Resources  
<[http://aapf.org/tool\\_to\\_speak\\_out/focus/](http://aapf.org/tool_to_speak_out/focus/)> .

#### *4.5 Overuse of the Development Frame*

The UN made a clear move towards transforming the traditional public sector when it invested in the MDGs, and, as a result, started playing a larger role in global social policy making. For a while, it did so within the “Development for All” framework. In 2005, however, Secretary-General Kofi Annan, explained that not all issues should be understood within a development frame. He clarified that some social challenges “encompass some of the broader issues covered by [UN] conferences.” He further acknowledged that the MDGs.<sup>281</sup>

... do not address particular needs of middle-income developing countries or the question of growing inequality and wider dimensions of human development and good governance.

Yet the UN continues to enlarge the agenda of development to accommodate these issues, rather than framing global aspects of its social policy work as something else. Global social issues differ from development (especially economic development) issues in the way they emerge and evolve, requiring different treatment at both the policy and practice levels. One main difference is the fact that traditional development policies are generally represented by vertical interventions, requiring polarising positions of donor and recipient, while global social governance frameworks aim at horizontalising action towards achieving a goal that is understood as collectively owned. In short, it requires enhanced levels of self-steering.

---

<sup>281</sup> United Nations Department of Economic and Social Affairs Office for ECOSOC Support and Coordination "Achieving the Internationally Agreed Development Goals: Dialogues at the Economic and Social Council" (UN ESCOR, New York, 2005), at 184.

Ironically, different approaches to governing the social<sup>282</sup> have been advocated by Global South leaders not satisfied with the last 40 years of development projects, by which many of their social policies have been designed or influenced. The UN summits of the 1990s, the increased visibility of the unacceptable suffering happening in the African continent and the emergence of powerful global south economies (especially, India and Brazil) contributed to fuel counter-development (or counter-aid) advocacy.<sup>283</sup> This counter-vision generally does not ask for the end of aid, but rather for its transformation.<sup>284</sup> It expresses the need to find different means to promote social and economic welfare. These means are concerned with promoting social justice, and remedying historical injustices. They likely end up promoting more self-steering (means through which beneficiaries locate avenues to know more and become agents of the global social policies that directly impact on them.)

In this counter-vision, development policies (which generally focus on assistance, or charity, from rich to poor) can be questioned in terms of their use as the major (almost exclusive) avenue to govern the social. Development as an assistance project has a role to play that is different from the role of global public service governance. The latter should have in its core a preoccupation with identifying common goals and increasing self-steering in global social policies.

---

<sup>282</sup> For a robust account of the meaning of “governing the social” in governance see the edited book of J Newmann (ed) *Remaking Governance: Peoples, Politics and the Public Sphere* (The Policy Press, Bristol, 2005), which is a collection of essays presented to the “Governing the Social” strand offered at conferences convened by the European Social Policy Association.

<sup>283</sup> See “Mohamed Amin, 53, Camera Eye During the Famine in Ethiopia” *World*, The New York Times (New York, 26 November 1996).

<sup>284</sup> But see Dambisa Moyo “Dead Aid: Why Aid is Not Working and How There is a Better Way for Africa?” (First American Ed, Farrar, Straus and Giroux, 2009).

Development may play a role in global governance as an implementation tool, but it should not be the chosen frame to address the most pressing social and economic issues challenging the world community. Yet development, even post the MD, continues to be the frame of choice at the UN family. This is problematic at many levels. For instance, development projects (from grant-making to grant-reporting) generally lack publicness, a fact that should be addressed if development continues to be deployed as an instrument of global social governance. However, enhancing self-steering, and hence global publicness in development may never be possible, given its dependency on donor-recipient models. Thus, for the sake of effectiveness of global social governance, the overuse of development frames, which has already been signalled by scholars and national governments, needs to be faced and remedied by the UN.<sup>285</sup>

#### *V Concluding Assessment of UN's Current Role in Global Governance in Public services*

The world organisation is still deciding the role it wants to play in governing the social, and more specifically in global public service governance. Political ambivalence towards a global perspective on publicness (which inevitably expands the source of legitimacy of UN action towards beyond the nation-state and the interstate system) has, for too long, prevented the world organisation from engaging with global social policy. It also prevents it from implementing

---

<sup>285</sup> D Moyo "Dead Aid: Why Aid is Not Working and How There is a Better Way for Africa?" (First American Ed, Farrar, Straus and Giroux, 2009).

more robust forms of service delivery, by taking advantage of global partnerships, and of claims made by transnational groups.<sup>286</sup>

In short, the research shows that since the Second World War, the UN has influenced public services, but generally through international cooperation, technical assistance models, and through promoting economic development based on a donors-recipient model. The research also shows, nonetheless, that in the last two decades, egalitarian discourses have pushed for UN reform, not only administratively, but also in terms of its capacity to intervene and act upon social challenges that countries and communities around the world have faced.

Since the middle of the 1990s, with the advent of UN Summits around global environmental and social challenges, the UN has taken important steps towards expanding programmes of international governance and reshaping some of them as global social policy. For this, it has taken advantage of the universalist content of the normative frame provided by the Millennium Declaration, as well as it has taken advantage of civil society groups (especially academics, experts, and NGOs) to think about Millennium Goals strategies. Yet even in the context of the Millennium Declaration, the UN still refrains from openly undertaking activities that will expose its role in global service delivery (the MDG Fund is a significant step forward in this regard.) For instance, the language of public services is generally avoided in the text of UN documents; terms such as provision of utilities, basic needs, infrastructure, and social services are preferred. International and global provision

---

<sup>286</sup> For more on how public opinion and choice are formed at the transnational level, see generally Nancy Fraser *Scales of Justice: Reimagining Political Space in a Globalizing World* (Columbia University Press, New York City, 2010).



of public services (precisely because services help make sense of what publicness represents at the global level) presents itself as politically challenging to the UN. Given the increasing number of international and global public services provided, the political discomfort will need to be faced soon.

Despite the political challenge, the big picture provided here and the examples chosen indicate that the UN begins to take steps towards assuring itself as a global governance leader. And, by engaging further with global partnerships, it starts sending messages to other institutions of the type of leadership position it wants to occupy in the larger institutional framework. The UN has an important role to play in leading the formation of global partnerships to more effectively make social policy and deliver services. However, this process requires more discussion about both the disruption and the relocation of publicness. Recognising and embracing global publicness discourses have been slow-moving.

In ascertaining its role as a leader in global governance in public services, the UN should pay closer attention to the initiatives of global publics as a way to speed up what Walter Lippmann called (and thus his scepticism about self-steering) “‘the finest hours,’ when communities are lifted above their habitual selves in unity and fellowship.”<sup>287</sup> Multiple globalisations, and strong inter-dependencies, have enabled more of these *finest hours* to happen on the ground. International institutions (which generally follow a traditional understanding of the public) need to be able to recognise that on a regular basis. These performances need to be seen by, and somehow integrated with,

---

<sup>287</sup> Lippmann, above n 229, at 49.

the agenda of the world organisation. This requires better UN internal governance, as well as a better understanding of the UN's position as one actor of the broader global governance stage, rather than limited to its international image. It is also important to know why and in which policy-fields the UN has had more traction.

For instance, more successful frameworks of global governance in public services have been observed in global health and have been led by the UN. More specifically, they are global responses to revert patents of essential drugs and seeds, provide basic drugs, and control communicable diseases. Not all policy areas, however, have been as successful as global health in adopting global governance frameworks, UN-led or not. The field of global education has been a very difficult field for successful global governance frameworks to emerge, for example. The UN in itself has had a smaller influence in public education, when compared to public health.

Partially based on the MDGs policy-areas, I chose my next two case studies, which deal with education governance (Chapter 3) and global health governance (Chapter 4). The two sectoral case-studies serve as evidence that global governance in public services has increasingly been attempted in and beyond the interstate system, and particularly, in and beyond the auspices of the UN, despite of its recent expanded leadership due to the MDGs.

### *Chapter 3: GLOBAL GOVERNANCE IN EDUCATION: MECHANISMS AND INTRINSIC CHALLENGES*

This case-study demonstrates that public education has been a challenging field to global governance frameworks. Scholars prefer to theorise on globalisation of education, rather than on global education governance. The idea of public education is still very much associated with the nation-state, and the idea of governance is associated with international organisations. As a result of this, the institutional framework developed in education beyond national borders is mostly comprised by international actors not global ones. International actors increasingly make education policy, and set both curriculum and evaluation standards.<sup>1</sup> International development has had a profound impact on policy that relate to both curriculum and evaluation.<sup>2</sup>

The focus of this chapter is two-fold. First, it maps the international institutional framework (including main actors and their strategies) influencing curriculum and evaluation. Next, it highlights the challenges to consolidating a global education field and successful global education governance. I argue that these challenges are intimately related to key principles in the field of

---

<sup>1</sup> The three pillars of education systems are curriculum, evaluation and pedagogy. International governance initiatives focus on curriculum and evaluation, but they also influence teaching. F Rizvi and B Lingard *Globalizing Education Policy* (Routledge, New York, 2010) at 116.

<sup>2</sup> John Kirton and Laura Sunderland "The G8 and Global education Governance" (paper presented to the International Workshop: In the Road to Saint Petersburg: The G8 Role in Global Development, May 30 2006) at 5.

education.<sup>3</sup> Among these underlying principles, I find the following particularly relevant to considerations of global governance in education:

- public education is historically associated with mass schooling provided by national or local governments;
- cause and effect of poor schooling are generally considered national matters (there is not a structural consciousness, or an established understanding of interdependencies in global education);
- there is always a local dimension to the governance of education, which is materialised by mediation and transformation inside of the classroom. The integrity of the classroom as a governance space is often considered incompatible with globalisation.
- The local dimension of education diverges from an instrumental view of education, which refers to the use of schooling as a means to meet the modern demand for qualified workforce around the world. International actors have looked for education standards that can serve the knowledge economy. Standardisation of curricula and evaluations has been the main focus of international governance efforts in education.

These principles become challenges to global education. They are intrinsic to the way that modern education has functioned. Building a global education

---

<sup>3</sup> Susan Robertson "The New Spatial Politics of (Re) Bordering and (Re) Ordering the State-Education-Citizen Relation for the Global Economy" (paper presented to the XIV World Congress of Comparative Education Societies: Bordering, Re-bordering and New Possibilities in Education and Society, June 2010).

field needs to take them into consideration; they should not be ignored, but rather debated, and better addressed by those concerned with effectiveness in global education governance frameworks.

While intrinsic challenges do not impede new governance frameworks from emerging in education, they feed scepticism about a potential, positive relationship between the global level and public education. As a result, mechanisms of supranational education governance have been created (and here I include international mechanisms as well) without a deeper assessment of these challenges and of how education governance can work for the public.

Despite a boost in the number of policies and mechanism, the potential benefit of international or global governance in education continues to be contested. Education scholars are, in general, critical of the mechanisms that are already in place today.<sup>4</sup> In order to map these mechanisms and to discuss why they are mainly following interstate governance frameworks, I first map institutions of international and global governance in education, their policies, and their impact upon important aspects of public education. Then, I move onto identifying and analysing key principles of public education, and how they challenge global governance in this specific policy-field.

---

<sup>4</sup> Michael Apple "Understanding and Interrupting Neoliberal and Neoconservative Policies in Education" (paper presented to the XIV World Congress of Comparative Education Societies: Bordering, Re-bordering and New Possibilities in Education and Society, Istanbul, June 2010.)

## *I Introduction to Global Education Today: Prevalence of International Strategies*

Rizvi and Lingard suggest that 21st century education governance is summarised by activities that include “funding, ownership, provision and regulation,” and coordination conducted by a range of institutions such as “the State, the market, the community and households.”<sup>5</sup> Mundy refers to the scope of global education governance as the “transnational dimensions of educational change.”<sup>6</sup> In practice governance in education has been led by supranational actors and their strategies. In short, the European Union, UN Education Scientific and Cultural Organisation (UNESCO), UN Children’s Fund (UNICEF), UN Development Programme (UNDP), the World Bank (WB) and the Organisation for Economic Cooperation and Development (OECD) are the most studied institutions when it comes to promoting cross-border changes in education.<sup>7</sup>

This chapter shows that although interstate organisations still prevail in supranational aspects of education, the influence of nonstate actors is growing. Although they have had little input in discussions about primary education taking place at traditional education governance spaces, such as UNICEF and UNESCO, nonstate actors have created spaces of their own, such as the

---

<sup>5</sup> Fazal Rizvi and Bob Lingard, *Globalizing Education Policy* (Routledge, New York, 2010).

<sup>6</sup> Karen Mundy “Global Governance, Educational Change” (2007) 43 *Comparative Education* 340.

<sup>7</sup> For more information on the work of these institutions see K Martens and AP Jakobi *Mechanisms of OECD Governance: International Incentives for National Policy-Making?* (Oxford University Press, Oxford, 2010) and Phillip W Jones and David Coleman *The United Nations and Education: Multilateralism, Development and Globalisation* (Routledge Falmer, New York, 2005) and Phillip W Jones *World Bank Financing of Education: Lending, Learning, and Development* (Routledge, New York, 1992).

Global Campaign for Education (GCE). The GCE, however, has paid more attention to country policies than to what happens supranationally.

### ***1.1 The United Nations Strategy in Education***

Given that international governance prevails in the field of education, I start mapping the institutional framework by looking at the UN strategy towards education governance.

In general, UN efforts in education advocate for a “diverse providers” model operating from within the State through country offices, where democratic safeguards are presumed to exist and work well. These efforts have been far reaching. They can be summarised by these activities:

#### ***1.1.1 Public administration type of action***

UN offices and agencies work with governments to target children’s enrolment and an adequate ratio of boys and girls in order to reach the Millennium Development Goals (MDGs).<sup>8</sup> In fact, the UN has called for “more government” in education, in a format that follows principles of good governance, encourages the taking of loans via the World Bank’s Fast Track

---

<sup>8</sup> Target 1 of MDG 2 states that “by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling” and the number of boys and girls will be measured according to the net enrolment ratio in primary education. The UN accepts the definition that the Net Enrolment Ratio (NER) in primary education refers to “the number of children of official primary school age (according to ISCED971) who are enrolled in primary education as a percentage of the total children of the official school age population. Total net primary enrolment rate also includes children of primary school age enrolled in secondary education. Where more than one system of primary education exists within the country the most widespread or common structure is used for determining the official school age group.” United Nations Statistic Division “Millennium Development Goals Indicators” (2010) < <http://unstats.un.org/unsd/mdg/Default.aspx>> (citation omitted). See also UN Millennium Project “Goals, Targets and Indicators” (2006) < <http://www.unmillenniumproject.org/goals/>>.

Initiative,<sup>9</sup> and concentrates on decreasing levels of corruption, as demonstrated by the Education For All (EFA) monitoring report.<sup>10</sup>

#### *1.1.2 Policy making type of action*

UN offices and agencies shape international education policy and rely a great deal on the Dakar Framework for that, as well as on the coordination role of the UNDP and United Nations Development Group (UNDG).

#### *1.1.3 Service-delivery type of action*

The UN high-level officials discuss global education provision within the idea of enlarging universal social protection and specific education services (generally related to primary education for girls), in which case a leadership role of the UNDP begins to take shape.

#### *1.1.4 Millennium Development Goals*

The UN agencies design education strategies to meet the Millennium Development Goals (MDGs). Since the establishment of the MDGs, UNDP has coordinated the work of other organisations that have been highly influential in education; they are the UNICEF, the UNESCO and the World Bank. In many respects, these organisations have worked together to achieve MDG 2.

The Millennium Project ( a private enterprise, represented by an independent advisory body commissioned by the Secretary-General),<sup>11</sup> especially via the

---

<sup>9</sup> “UNICEF Education Strategy” (2007) UN Doc E/ICEF/2007/10  
< <http://www.unhcr.org/refworld/docid/4a7be9952.html>>.

<sup>10</sup> UNESCO *Overcoming Inequality: Why Governance Matters* (Education for All Global Monitoring Report, Oxford University Press, 2008) [“UNESCO Governance Matters”].



Millennium Development Goals (MDGs), has influenced most education governance activities implemented or coordinated by the UN in the social realm, including education. Targets established to realise MDG 2 – that is to achieve universal primary education by 2015– are representative of the multi-faceted governance role (it includes public administration strategies, policy making, and delivery) played by the UN development agencies in education in the beginning of the new century. MDG 2 is complemented by specific targets. They are:<sup>12</sup>

Target 2a: Ensure that all boys and girls complete a full course of primary schooling

2.1 Net enrolment ratio in primary education

2.2 Proportion of pupils starting grade 1 who reach last grade of primary

2.3 Literacy rate of 15-24 year-olds, women and men

While UNDP is not a specialised expert agency in education, we use our role as coordinator of the UN development system to support the mandates of other agencies.

---

<sup>11</sup> According to the Project historic site: “The Millennium Project was commissioned by the United Nations Secretary-General in 2002 to develop a concrete action plan for the world to achieve the Millennium Development Goals and to reverse the grinding poverty, hunger and disease affecting billions of people. In 2005, the independent advisory body headed by Professor Jeffrey Sachs, presented its final recommendations to the Secretary-General in a synthesis volume *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals*. The bulk of the Project’s work was carried out by 10 thematic Task Forces, each of which also presented its own detailed recommendations in January 2005. The Task Forces comprised a total of more than 250 experts from around the world including: researchers and scientists; policymakers; representatives of NGOs, UN agencies, the World Bank, IMF and the private sector.” The Millennium Project Historic Site “The UN Millennium Project” (2002-2006) < <http://www.unmillenniumproject.org/> >.

<sup>12</sup> The original text of MDG 2 reads: “to achieve universal primary education.” It has been re-affirmed in several documents, after the Millennium Declaration. See the *2005 World Summit Outcome* GA Res 60/1 at [43], A/Res/60/1 (2005). For more information on the meaning of Net Enrollment Ratio (or NER) see, above n 8.

The UNDP is taking the lead to coordinate efforts towards meeting MDG 2 targets. It has, however, taken a conservative approach and has deferred to the central role of governments in MDG implementation. The MDG 2 project, however, is part of a larger global initiative called EFA.<sup>13</sup> EFA grew out of the Dakar Goals. It started as a development project, but it expanded beyond the work of the UNDP and of the MDGs, requiring a global rather than an international approach.

*1.1.5 Education For All: an umbrella initiative coordinated by the UN*

The international Education for All Initiative (EFA) (also referred to as the Dakar EFA Goals) has had significant transnational repercussions, thus being considered an important instrument of global governance in education. Six Dakar EFA Goals emerged in the context of the 2000 World Education Forum, and to a certain extent, as companions to the quantitative-oriented Millennium Development Goals (MDGs). The Dakar EFA Goals (Or EFA-Global Action Plan) promote early childhood education; quality universal primary education; and lifelong learning and literacy; gender equality in education; and education quality and learning achievements.<sup>14</sup> In principle,

---

<sup>13</sup> Accordingly, "The UN System is helping countries improve their capacity to achieve the Millennium Development Goals (MDGs). To support this effort, UNDP has designed a comprehensive set of services to support MDG-based national development strategies. These services focus on three pillars:

First, MDG-based diagnostics and investment planning (technical and financial assistance needed to achieve the MDGs over the long term); Second, widening policy options and choices (sectoral and cross-sectoral policy reforms and frameworks needed to accelerate growth with equity and promote long-term human development); and Third, strengthening national capacity (enable effective service delivery at the national and local levels)." In "UNDP Supports MDG-based National Development Strategies" (2010) UNDP Millennium Development Goals <<http://www.undp.org/mdg>>.

<sup>14</sup> "UNESCO Governance Matters", above n 10.

the national-public and the global-public arenas seem to share the Dakar concerns.

The Dakar concerns, which were translated into a multi-actor EFA initiative are now geared to increase the quality and quantity of primary schools in order to meet MDG 2. The progress towards meeting MDG 2 is considered one of the most remarkable by the UNDP and UNESCO.<sup>15</sup> Scholars, however, have criticised the implementation of MDG and EFA goals because policy decisions and implementation phases have been made by international agencies themselves, or by international agencies enabling education services (indirect provision through procurement).<sup>16</sup>

UNDP's webpage for MDGs explains why top-down capacity-building became the organisation's main line of work.<sup>17</sup> Recipient countries are organising, including at the community level, to fulfil the targets that the UN and donors have designed for them by writing complex assistance plans. These include capacitating local workers to achieve internationally-set benchmarks.<sup>18</sup> In addition, UNDP's report on MDG 2, prepared in 2005 by the UN Millennium Project and titled "Toward Universal Primary Education: Investments, Incentives, and Institutions" highlights the roles of government

---

<sup>15</sup> The United Nations Millennium Campaign "Goal #2: Universal Education" (2010) End Poverty by 2015 <<http://endpoverty2015.org/goals/universal-education>>.

<sup>16</sup> Michael Apple "Understanding and Interrupting Neoliberal and Neoconservative Policies in Education" (paper presented to the XIV World Congress of Comparative Education Societies: Bordering, Re-bordering and New Possibilities in Education and Society, Istanbul, June 2010.)

<sup>17</sup> United Nations Development Programme "What is the role of the UNDP" (2010) Millennium Development Goals <<http://www.undp.org/mdg/roles.shtml>>.

<sup>18</sup> In fact, the World Bank informs that "Almost a quarter of the United States \$55 billion of total Overseas Development Assistance is accounted for by support for capacity building, mainly through technical assistance." "Capacity Building in Sub-Saharan Africa" (2010) World Bank Web Resources <<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES>>.

structures, especially national.<sup>19</sup> Elements of good governance are presented within a plan to achieve the internationally-set MDG 2, while broader elements of the Dakar goals have been side-tracked.

At the implementation level, EFA governance strategies have been virtually reduced to domestic governance mechanisms, ultimately of the responsibility of the nation-state. Overall, the strongest message of MDG 2 is for governments to be more efficient. Accordingly, the MDG 2 taskforce singles out problems of low performing nation-states, in regards to achieving universal primary education within its territories, situating these countries and their experiences as problematic focal points.<sup>20</sup>

The Millennium Project's taskforce in education identifies the following barriers to meeting MDG 2 (using case studies from a number of developing countries): poor management of public education by multiple players, such as the Ministries of Education and teachers unions; local government capturing of financing education, denying parental or community participation; teacher absenteeism; poor expenditure management and leakage in the flow from public expenditures from national governments to schools; bribery; private informal payments to finance public education; corrupt practices due to lack of legislation and enforcement; private tutoring that undermines the willingness and ability of teachers to teach in the classroom.<sup>21</sup> In essence, these practices either relate to domestic good governance issues, referring to institutions of government within each national context, or to individual fault. An important

---

<sup>19</sup> Nancy Birdsall, Ruth Levine and Armina Ibrahim *Toward Universal Primary Education: Investments, Incentives, and Institutions* (Report of the UN Millennium Project Task Force on Education and Gender Equality, 2005).

<sup>20</sup> Ibid, 49-52.

<sup>21</sup> Ibid.

analysis seems to be lacking in the UN approach to realising MDG 2 in particular, and EFA in general: that of how the global level (and global partnerships led by international agencies) may be implicated in contributing to the achievement of education-specific goals.

#### 1.1.5.1 THE EFA MONITORING AGENCY: UNESCO

The UNESCO's 2009 Education For All (EFA) Global Monitoring Report, *Overcoming Inequality: Why Governance Matters*<sup>22</sup> emphasises "the central importance of government leadership and public policy" in achieving the Dakar Goals.<sup>23</sup> Accordingly, UNESCO's call for the application of governance mechanisms as a core element of the Dakar Framework for Action is both a call for good governance within government and a call for a stronger national government. In fact, international organisations have been said to have encouraged a "growing governmental interest in education" that is puzzling, given concurrent "debates on economic globalisation and the retreat of the State,"<sup>24</sup> which are promoted by the same institutions.

UNESCO explains that:<sup>25</sup>

Good governance is now a central part of the international development agenda. Beyond education, it is seen as a condition for increased economic growth, accelerated poverty reduction and improved service provision. The most widely used data on governance indicators show that objectives range from strengthening the rule of law, increasing accountability of public institutions and enhancing the participation and voice of citizens.

---

<sup>22</sup> Ibid.

<sup>23</sup> "UNESCO Governance Matters", above n 10, at 241.

<sup>24</sup> AJ Jakobi *International Organisations and Lifelong Learning: from Global Agendas to Policy Diffusion* (Palgrave Macmillan, New York, 2009) at 1.

<sup>25</sup> "UNESCO Governance Matters", above n 10, at 129.

Good governance in education as it takes place within nation-states is in the agenda of both UNESCO and UNDP. Their roles as active players in an envisioned global public sector are hardly discussed as part of the EFA's main agenda. While there is a great emphasis on raising intra-State equity through education, EFA does not emphasise the role of global action in diminishing world inequality, or rather the speedy growth of it. It concentrates on the shortcomings of nation-states, especially developing countries, in providing quality education for the poor, without further structural or ethical considerations.<sup>26</sup> In this sense, the 2009 monitoring report seems detached from the transformations – in general detrimental to national welfare structures – that domestic governance itself has promoted in public services in the last twenty years. Analysing the report written by UNESCO, it is possible to infer that the nation-state is still the exclusive representative of publicness, and governance practices in education resemble an economic vision of “good government” rather than anything else.

While the EFA initiative acknowledges the importance of nonstate actors, nonstate actors' presence in education projects undertaken by the UN is minimum or non-existence. This approach reflects the fact that the MDG education project as a whole has engaged little with nonstate actors. According to the UNESCO EFA's monitoring report:<sup>27</sup>

Achieving EFA requires partnerships at many levels – between schools and parents, between civil society organisations and governments, between State and nonstate education providers. ... National and international non-government organisations have also emerged as key EFA actors, holding governments to account, supporting provision and building capacity.

---

<sup>26</sup> Ibid, at 243-405.

<sup>27</sup> Ibid, at 241.

UNESCO acknowledges that nonstate actors play a role in global governance, but these roles are neither clear nor encouraged by UNESCO. UNESCO recognises that non-state actors play a supporting role and recommends that they should engage with governance to assist governments. Therefore, UNESCO understands nonstate actors as playing a domestic governance role rather than a global governance one.

For example, in justifying the collection of comparative data concerning 2006/2007 patterns in primary education decision-making, UNESCO clarified that “governance reforms in education involve the reallocation of decision-making authority across levels of **government**.”<sup>28</sup> UNESCO’s International Bureau of Education mapped 184 countries’ patterns in levels of decision-making in regards to primary formal education across 6 broad categories: curriculum and materials; teacher training, management and employment conditions; school infra-structure; school supervision and inspection; school administration; financing arrangements;. It reported that:<sup>29</sup>

...even in nominally decentralized structures, central government continues to play a key role in various areas of education service delivery – notably in designing curricula and instructional materials, in teacher governance and management, and in financing arrangements. Other actors – including local government, schools and communities – play a highly variable role.

More prominently, the data shows that government continues to play an almost exclusive role when it comes to primary school decision-making. Upon closer examination of the table, nonstate actors feature as influential in merely

---

<sup>28</sup> Ibid, at 252 (emphasis added).

<sup>29</sup> Ibid.

10 countries out of 184, and only in respect of financial arrangements.<sup>30</sup> In all other categories the influence of nonstate actors was measured as zero. The validity and reliability of the data is not in consideration here, especially given the role attributed by scholars to the UNESCO Bureau, as one of the most important agencies in the promotion of shared literacy concerning the global make up of education.<sup>31</sup> At a minimum, these findings represent a set of choices that have been made by the UN when it comes to the governance of education, which is to locate the responsibilities for meeting international targets under governments. They also demonstrate that the idea of governance, and not government, in education is not popular. Public education as governmental provision continues to attract support across the UN-family. The UN deal with public education as government-run education even if internationally-set policies abound in the field.

#### *1.1.6 UN governance in education: summary considerations*

The use of governance as a tool of government is the most important aspect of the UN's strategy in education.

UN institutions engage with education governance from a traditional public administration perspective. Education governance is dealt with from a domestic perspective, rather than from an international relations or, more recently, from a global justice perspective.

---

<sup>30</sup> Considered by the UNESCO's International Bureau of Education the "private sector, non-government organisations, communities, aid donors and other nonstate entities." Ibid, at 255.

<sup>31</sup> For more on the work of the Bureau, see Jeffrey Puryear "International Education Statistics and Research: Status and Problems" (1995) 15 International Journal of Educational Development 79.



The UN role in education governance reinforces the importance of IGOs as representative of State interests, while it downplays the cross-border nature of many educational challenges and the transnational work of many NGOs.<sup>32</sup> NGO efforts with transnational repercussions (consolidating themselves as global governance acts) have been at the margins of the umbrella initiative Education for All, which could hold and foster NGO-led initiatives.<sup>33</sup> UN's international institutions have had difficulties to access, account for and recognise education services that are not internationally or government generated, but that have been discussed at the moment of writing the Dakar Goals and again at the 2005 World Summit.<sup>34</sup>

The 2005 World Summit was more successful in bringing investments into well-established, international institutions and in encouraging them to take a larger role in education governance.<sup>35</sup> Some of the most important international governance institutions have exponentially raised their

---

<sup>32</sup> In India, for instance, NGOs have undertaken the task of educating and empowering Dalit children from 5 to 17 years of age, given the failure of the Indian State to provide quality education, education free of discrimination, or education at all for Dalit and other vulnerable populations (such as the scheduled tribes). These types of public services have had the power to transform education for Dalit in India and in other countries where caste stratification exists, such as in Nepal. H Upadhyay, *Navsarjan Trust Schools Gujarat* (Visit report, Gujarat, April 2007).

<sup>33</sup> For example, the NGO Navsarjan Trust works in the Indian State of Gujarat, providing not only legal services to help Dalits to recover encroached land, but also with a vocational training school for teenage Dalits and three other intermediate (5<sup>th</sup> to 7<sup>th</sup> grade) schools in order to “instill confidence and self-respect in Dalit children – who are mistreated in the local government [schools]”. The trust is funded mainly by international and transnational organisations. H Upadhyay, *Navsarjan Trust Schools Gujarat* (Visit report, Gujarat, April 2007).

<sup>34</sup> 2005 World Summit Outcome GA Res 60/1 at [43], A/Res/60/1 (2005).

<sup>35</sup> Ibid.

contributions to education governance since the 2005 World Summit.<sup>36</sup> Together, these institutions trace the framework of an emergent, educational sector at the supranational level.

### ***1.2 The Group of Eight (G8)***

The G8 Initiative on Global Development devotes a considerable amount of resources to education governance. Nevertheless, it engages little with the global level represented by hybrid alliances working towards achieving public education goals. Given the constitution of the G8, this position seems more natural, following a framework of traditional international cooperation, and negotiations through bargaining mechanisms, which impact education itself and a range of other areas.<sup>37</sup> These mechanisms are common in developmental approaches to governance.

According to the G8, education is a broad area encompassing “all levels of public and private instruction, from primary through university into lifelong learning.”<sup>38</sup> This conception of the G8 illustrates its historical and contemporary interest in framing education as a *neutral* instruction activity. It also illustrates the differences between teaching and schooling, the former being associated with the act of instructing and promoting learning,<sup>39</sup> and the

---

<sup>36</sup> John Kirton and Laura Sunderland "The G8 and Global Education Governance" (paper presented to the International Workshop: In the Road to Saint Petersburg: The G8 Role in Global Development, May 30 2006) at 3-5.

<sup>37</sup> RN Labonte and T Schrecker "Committed to Health for All? How the G7/G8 rate" (2004) 59 *Social Science and Medicine* 1661.

<sup>38</sup> Kirton and Sunderland, above n 36, at 4.

<sup>39</sup> D Baker and GK LeTendre *National Differences, Global Similarities: World Culture and the Future of Schooling* (Stanford Social Sciences, Palo Alto, 2005) at 76.

latter being “the institution of mass-education.”<sup>40</sup> Yet in policy-making environments education is easily confused with schooling. Schooling has been the main target of international education governance championed by the G8.

The G8 chose education as the priority theme of its 2006 Saint Petersburg Summit.<sup>41</sup> In that occasion the G8 was proclaimed a “governor” of education, and responsible for a “global education governance” project championed within its global development division.<sup>42</sup> G8’s coverage is wide and includes:<sup>43</sup>

... technical, vocational and professional training and mobility, the employment and labour market, productivity, innovation and competitiveness in the new knowledge economy, and the governance of cyberspace. It further embraces social and political subjects, such as gender equality in education, education to prevent the spread of disease, education as a MDG, access to education in developing countries, literacy, and free information flows.

The G8 initiative fails to recognise that developing economic growth may not develop ‘social and political subjects.’ The G8, as with most development projects, invests in education as mass-schooling to develop qualified individuals to serve and consume in the knowledge economy. This, by definition, constrains the possibility of using education for global justice ends. The wide acceptance of the term and philosophy of the knowledge economy has prevented a global public ethos from permeating education as a field, especially outside of national policies.<sup>44</sup> The G8, as many other powerful

---

<sup>40</sup> JW Meyer *School Knowledge for the Masses: World Models and National Primary Curricular Categories in the 20th Century* (Falmer Press, Washington DC, 1992) at 9.

<sup>41</sup> *Ibid*, at 1.

<sup>42</sup> *Ibid*, at 9.

<sup>43</sup> Kirton and Sunderland, above n 38, at 4.

<sup>44</sup> Here “the term “knowledge economy” is employed to mean that “learning for learning’s sake is no longer sufficient, and that education does not have any intrinsic ends as such, but

institutions, endorse the use of education to meet the needs of the knowledge economy.<sup>45</sup> This is a view that not only discourages publicness, but encourages competition, and a new interpretation of education as an attractive commercial project. This new approach treats schooling as a product that can be offered to millions of youngsters who want to qualify for jobs worldwide.

### ***1.3 The World Bank***

The World Bank has expanded its role in the governance of education via the Fast Track Initiative (FTI).

The FTI is “a global partnership between donor and developing country partners to ensure accelerated progress towards the Millennium Development Goal of universal primary education by 2015.”<sup>46</sup> The efforts under FTI concentrate on helping low-income countries to “build and implement sound education plans.”<sup>47</sup> Therefore, the FTI has a direct impact upon both policy and delivery.

FTI partners include low-income countries enrolled in the programme (who are also beneficiaries), voluntary donor countries, and a few advocacy groups like the Global Campaign for Education. Donor partners are “all major donors

---

must always be linked to the instrumental purposes of human capital development and economic self-maximization,” thus education acquires a rather instrumental character. Concept articulated by Rizvi and Lingard, above n 1, at 81.

<sup>45</sup> The G8 and the OECD have been very active in promoting the knowledge economy, even if sometimes they have different strategies. The G8 participated in the OECD’s “Global Forum on the Knowledge Economy: Better Innovation Policies for Better Lives”, held in Paris, 12-13 September of 2011. For more on the G8 and OECD’s strategic differences see OECD “Joint OECD/UN/World Bank Global Forum on the Knowledge Economy: Integrating ICT in Development Programmes” (Conclusions of the 2003 Global Forum, Paris, 2003).

<sup>46</sup> Education For All Fast Track Initiative “About FTI” (2011) World Bank Group <<http://www.educationfasttrack.org/about-fti/>>.

<sup>47</sup> Ibid.

for education: more than 30 bilateral, regional and international agencies and development banks.”<sup>48</sup>

Through the financial resources directed to low-income countries via the FTI, the World Bank has become one of the major voices in education governance. For instance, the FTI agenda includes a range of objectives from specific learning outcomes (such as increasing reading skills indicators) to promoting capacity and teaching quality. Programmatic targets are included as conditions to the FTI. In other words, FTI loans for education are given to high-risk countries in exchange for “policy reforms.”<sup>49</sup>

The critiques against FTI are about whether a financial institution such as the World Bank should be involved with the three major pillars of education: curriculum, teaching, and assessment. The Fast Track Initiative has launched not only financial schemes to help address education problems, but has developed education plans and teaching frameworks. An example of this can be found through the FTI Indicative Framework:<sup>50</sup>

FTI's Indicative Framework now incorporates the two reading skills indicators. Governments are asked to generate baselines for 2010 and, thereafter, report learning outcomes data on an annual or biennial basis. Local Education Groups are asked to take this information into account in their appraisal of sector strategies. Analyses of a country's trends in children's reading skills should be regularly included in mid-term reviews of FTI operations.

While the FTI initiative has financed many important projects in developing countries, it has side tracked other national and local initiatives that could have

---

<sup>48</sup> Ibid.

<sup>49</sup> Harvey Goldstein “The Globalisation of Learning Targets” (2004) 40 Comparative Education 7, at 11.

<sup>50</sup> Education For All Fast Track Initiative “Learning Outcomes” (2001) World Bank Group <<http://www.educationfasttrack.org/FTI-at-Work/learning-outcomes/>> .

been more able to adequately devise education frameworks. More so, questions about the legal, political and outcome consequences of FTI's undertaking of public functions in developing countries (related to the financing and implementation of education plans) seem to have been unnoticed by high-level officers. Partially, this is due to a certain hurry to meet the education statistical targets established by MDG 2 and the FTI, especially considering primary education. The targets themselves have been considered deficient when applied to different national contexts.<sup>51</sup>

From a global public perspective, the FTI has fallen to operate at high levels of global publicness. For instance, ethical concerns that reflect awareness about the World Bank's expanded role in education governance, which is more than financing via FTI, is not seen on FTI's website.<sup>52</sup> Despite the fact that the principles of FTI dwell on mutual accountability, progress as measured by the World Bank focusses on the economic performance of low-income countries and on the implementation of more and better education services. Low-income countries, FTI's loan takers, have had little input in setting benchmarks and in drawing up FTI policies.<sup>53</sup>

---

<sup>51</sup> Goldstein, above n 49, at 13.

<sup>52</sup> See generally Education For All Fast Track Initiative (2001) World Bank Group <<http://www.educationfasttrack.org/FTI-at-Work>>.

<sup>53</sup> For instance, in the 2006 FTI progress report, the World Bank recommended that "FTI has had a significant impact on increasing access to primary education. As it moves forward, it will also need to ensure that adequate attention is given to helping countries deliver quality education to their pupils and to ensure that they leave school with globally-relevant and adequate basic literacy and numeracy skills. All countries need to increase their focus on education quality and learning outcomes. With respect to FTI, this means that the appraisal of countries' education plans, carried out by the locally-based donors, could be strengthened to include learning assessment measures." World Bank Development Committee *Progress Report for the Education For All-Fast Track Initiative* (Attached to the Development Committee Meeting of September 18, 2006).

Goldstein explains that:<sup>54</sup>

At the international level, even if unintended, the eventual outcome of pursuing EFA [Education For All] targets may well be an increasing control of individual systems by institutions such as the World Bank or aid agencies, supported by global testing corporations...

Goldstein's preoccupation with the consequence of pursuing EFA targets, as encouraged by the FTI, illustrates that policy and delivery of education are generally seen as national matters because of the importance of context-specificity to education. Yet Goldstein's worry is in accordance with the view that one needs to enhance publicness in global governance responses because publicness always assists in making more visible the demands of different groups and the shifting meaning of quality education. This implies that we need to find those alternative forms of delivery, curriculum design, pedagogy, financial incentives without forgetting that they are part of a public strategy, even if they are not coming directly from governments. Finally, more publicness in global governance in education would likely bring partners, other than nation-states, under public scrutiny. Their heavy influence in specific aspects of education reform (from the number of teachers they require to the type of didactic materials they fund) would also become more visible.<sup>55</sup>

#### ***1.4 The OECD***

It is important to mention that the role of the OECD in education is considered by commentators one of the most important in terms of education research and

---

<sup>54</sup> Goldstein, above n 49, at 13.

<sup>55</sup> World Bank Development Committee *Progress Report for the Education For All-Fast Track Initiative* (Attached to the Development Committee Meeting of September 18, 2006).

education evaluation.<sup>56</sup> The OECD's main instruments in education are policy review, learning indicators, and the Programme for International Student Assessment (PISA). PISA is "an internationally standardized assessment that was jointly developed by participating economies and administered to 15 year-olds in schools." In 2009, PISA evaluated key competencies in reading, mathematics, and science.<sup>57</sup>

The OECD's impact on education, especially through PISA, has been widely felt within both member and non member-countries. PISA has been both positively and negatively critiqued, frequently raising questions about the role of international organisations in mass-evaluation of students, and more broadly, the feasibility of having global mechanisms when local realities of teachers and students are so diverse. Most countries, however, continue to adopt PISA as an important instrument of policy-making and framework implementation.

According to the results of students in PISA, countries have changed their policies at home. For example, Brazilian students continue to rank very low in the assessment – a position of 43 out of 50 that contrasts with the rapid

---

<sup>56</sup> The OECD counts with two main institutional instruments of education international governance; the Center for Research and Innovation (CERI) and the Programme for International Student Assessment (PISA). PISA is sometimes studied in comparison with other evaluation instruments, such as the two instruments of the International Association for the Evaluation of Educational Achievement called Trends in International Mathematics and Science Study (TIMSS) and Progress in International Reading Literacy Study (PIRLS). In K Martens and AP Jakobi *Mechanisms of OECD Governance: International Incentives for National Policy-Making?* (Oxford, Oxford University Press, 2010). And Jakobi, above n 24, at 76.

<sup>57</sup> "OECD Programme for International Student Assessment (PISA)" (2011) OECD <<http://www.pisa.oecd.org>>.



economic growth of the country and its rising literacy indexes.<sup>58</sup> The Brazilian government has developed many of its reforms for intermediate and high school levels based on the competencies assessed by PISA.<sup>59</sup> But why should the Brazilian government use PISA's assessment as the main guide to define how its teachers will teach sciences or promote reading skills? Brazilian officials justify the belief in PISA based on the influence that PISA has among most powerful economies and aid institutions that provide loans.<sup>60</sup> These are geared to develop an education system that prepare workers to compete in the international job market and to provide qualified services worldwide. In most Brazilian education publications, such as renowned education magazine, *Nova Escola*, the Brazilian government is encouraged to increase the performance of students in PISA.<sup>61</sup> The shortcomings of the assessment's format are generally not considered convincing justifications for failure to perform in the test. Indifferent students and poor quality of education are usually mentioned as reasons of bad performance.<sup>62</sup>

Education scholars, however, are more critical of PISA. They point out that measuring competencies in standard form is a very difficult task, since many countries opt for teaching specific contents rather than developing specific abilities (such as logical interpretation.) Moreover, the themes of choice may reflect the culture explored by schools located in the countries where the tests are developed, generally the United States. Finally, the translation process

---

<sup>58</sup> Fernando Salla "O Pisa Além do Ranking" [Pisa Beyond Ranking] (March 2011) 240 *Revista Nova Escola*.

<sup>59</sup> A Rodriguez *Brazil Knowledge and Innovation for Competitiveness in Brazil* (a report to The International Bank for Reconstruction and Development and the World Bank, 2008).

<sup>60</sup> OECD Improving Performance: Leading from the Bottom (PISA in Focus Report, March 2011).

<sup>61</sup> Salla writing for *Nova Escola*, above n 58.

<sup>62</sup> *Ibid.*

generally ignores the natural flow of a language, which increases the chances of a text to be written in such a formal way that undermines the ability of students who receive the translated text to properly understand the questions.<sup>63</sup>

Despite these critiques, PISA continues to be used by more than 50 governments as an important evaluation and policy tool, consolidating itself as an important mechanism of governance in education.

PISA would have to change how it operates to follow a global public approach. It is possible that changes will come in the near future to address the critiques frequently raised by education scholars. Most of these critiques deal with issues such as tailoring the tests to country-needs and opening up the processes of translation and correction to further scrutiny of teaching communities organised worldwide. These advancements directly refer to rising publicness in PISA, a governance framework that has used international organisations and transnational testing corporations to change the way evaluation and curricula are set.<sup>64</sup>

### ***1.5 The Tuning Project***

The Tuning Project grew up as a pilot project coordinated by a group of European universities as participants of the Bologna Process.<sup>65</sup> Tuning's motto

---

<sup>63</sup> Emilia Ferreiro "La Internacionalización de la Evaluación de los Aprendizajes en la Educación Básica" [ The internationalisation of basic education evaluation] (2006) 14 La Educación Entre Líneas (México).

<sup>64</sup> Ibid.

<sup>65</sup> The Bologna Process is "the process of creating the European Higher Education Area (EHEA) [and] is based on cooperation between ministries, higher education institutions, students and staff from 47 countries, with the participation of international organisations." In 2009, ministries met to review the goals of the EHEA up to 2020, revising the Process to include "the importance of lifelong learning, widening access to higher education, and mobility." Nevertheless, the practice of EU's efforts in education are quite distant from

is “to make study programmes and period of learning more comparable and compatible.”<sup>66</sup> Tuning does not have consultative status with the Bologna process, but has been considered an important part of it.<sup>67</sup> More broadly, the Bologna Process creates the *European Higher Education Area* (EHEA), and the Tuning is a vital part of the broad, EHEA implementation strategy. Thus, the Tuning helps to transform education systems, at a minimum, in countries in Europe. Increasingly, the Tuning spreads around the world.

The Bologna process uses the institutional, public space of the European Union to come to fruition, and the Tuning Project takes advantage of that space, recently becoming part of the Lisbon Strategy.<sup>68</sup> The Tuning project clarifies that:<sup>69</sup>

As a result of the Bologna Process the educational systems in all European countries are in the process of reforming. This is the direct effect of the political decision to converge the different national systems in Europe. For Higher Education institutions these reforms mean the actual starting point for another discussion: the comparability of curricula in terms of structures, programmes and actual teaching. This is what Tuning offers. In this reform process the required academic and professional profiles and needs of society (should) play an important role.

---

embracing an idea of citizenship education. Citizenship education in a general context represents Paulo Freire’s ideas of education as both emancipatory and socially-transformative. In the context of the Bologna Process, it has been used to refer to the national identity of the learner and the implications and demands of a given nationality upon education outcomes. The Bologna Process *The Bologna Process 2020 - The European Higher Education Area in the New Decade* (2009) (report prepared in reference to the Leuven and Louvain-la-Neuve *Communiqué* of the Conference of European Ministers Responsible for Higher Education, 2009) [“Leuven Communiqué”]. And, the “Bologna+10 Ministerial Conference” (2010) The Bologna Process <<http://www.ond.vlaanderen.be/hogeronderwijs/bologna/>> .

<sup>66</sup>“Tuning Methodology” (2004) The Tuning Project <<http://tuning.unideusto.org>> .

<sup>67</sup> Laurel Terry “The Bologna Process and its Impact in Europe: Much More than Degree Changes” (2008) 41 *Vanderbilt Journal of Transnational Law* 107, at 143.

<sup>68</sup> Ibid.

<sup>69</sup> “Tuning Educational Structures in Europe” (2004) The Tuning project <<http://tuning.unideusto.org/tuningeu/>>.

The Tuning Project follows in the footsteps of the knowledge economy. However, it is only now beginning to be discussed in the context of the Bologna Process, as well as in terms of its impact upon education policies and practices in other regions of the world.<sup>70</sup>

The Tuning process and its implementation mechanisms play a different role than development projects. They are based on the Bologna Process and operated by international, and civil society representatives, including UNESCO, and the European University Association. These organisations joined the forty-six Bologna Process countries to think about ways in which the European Higher Education system could be reshaped. The Tuning Project responds to the Bologna process as a companion organisation that has been placed at the hands of universities. On another hand, Tuning practices have resembled top-down development projects. For instance, the Bologna Process counts with regional institutions involved with activities to uniformise elements of higher education in Europe. However, unification is not stated as a clear goal of either the Bologna Process or the Tuning Project:<sup>71</sup>

... universities do not and should not look for uniformity in their degree programmes or any sort of unified, prescriptive or definitive European curricula but simply look for points of reference, convergence and common understanding.

Unification and uniformity are rather hot-button issues in EU education policy debates, hence, these terms are avoided by the Tuning project. As a result, the Tuning has not been openly contested by EU members, when it positions itself

---

<sup>70</sup> Susan Robertson "Embracing the Global: Crisis and the Creation of a New Semiotic Order to Secure Europe's Knowledge-Based Economy" (2007) Centre for Globalisation, Education and Societies <<http://www.bris.ac.uk/education/people/academicStaff/edsr/publications/12slr>> ["Embracing the Global?"].

<sup>71</sup> "Tuning Educational Structures in Europe" (2004) The Tuning project <<http://tuning.unideusto.org/tuningeu/>>.

as a means to “tune” education policies and practices of post-socialist countries and developing countries in particular.<sup>72</sup> By expanding its horizons to Latin America and Asia, the Tuning project has become a global enterprise with an European genetic code. European-style standardisation of curricula in other regions of the world contribute to one of the goals of the Bologna process, that is “to make higher education more responsive to the needs of business and industry and help Europe become the most competitive knowledge-based economy in the world.”<sup>73</sup> The special focus of the Tuning Project, targeting Latin America and post-soviet countries for example, expands the reach of Europe in its search for “compatible” human capital, and for a leading position in the knowledge economy.<sup>74</sup>

Jakobi summarizes well the trajectory of the field of education as an object of world investment in Europe:<sup>75</sup>

...European activities in education used to be opposed by the member States, and only the Treaty of Maastricht 1992 officially established education as an European activity: Articles 126 and 127 contain the aim of developing a European dimension in education, but “harmonization” was explicitly excluded ... In March 2000, the European Council proclaimed the so-called Lisbon Strategy to make Europe the most competitive knowledge-based economy in the world by the year 2010.

The linkage between the Tuning Project and the Lisbon Strategy with the goal of ensuring EU competitiveness worldwide consolidates the Tuning Project as an important education governance mechanism of global reach.

---

<sup>72</sup> Merrill, M "Educational Borrowing in Quality Assessment Standards: The European Tuning Project Played on a Kyrgyz Komuz" (paper presented to the XIV World Congress of Comparative Education Societies, Istanbul, June 2010).

<sup>73</sup> Terry, above n 67, at 112.

<sup>74</sup> Robertson “Embracing the Global?”, above n 70, at 15.

<sup>75</sup> Jakobi, above n 24, at 55.

### ***1.6 Policy Borrowing and Lending as Governance Strategy***

The Tuning Project can be cited as the quintessential example of borrowing and lending of education policies. Policy borrowing and lending is a generic governance mechanism that has been widely studied in the context of international development and education governance.<sup>76</sup> In general, policy borrowing is the use of procedures originated elsewhere that are identified “to improve provision” at home.<sup>77</sup> In the field of education, the Tuning Project has been used as both a positive and negative example of policy borrowing (and lending).<sup>78</sup> Negative critiques of the Tuning Project resemble critiques of international development. Philips and Ochs deepen this connection by explaining the challenges faced by policy-borrowing as theory and practice:<sup>79</sup>

'Policy borrowing' is, of course, a term firmly established in the literature of comparative studies in education, and though it is common nowadays to point out the fallacious assumptions behind the notion that policy can simply be transplanted from one national context to another, nevertheless serious investigation of aspects of education in other countries seeks to identify what contributes to success in the hope that lessons might be learnt which could have implications for policy development in the 'home' context. (citation omitted)

---

<sup>76</sup> Susan Robertson "The New Spatial Politics of (Re) Bordering and (Re) Ordering the State-Education-Citizen Relation for the Global Economy" (paper presented to the XIV World Congress of Comparative Education Societies: Bordering, Re-bordering and New Possibilities in Education and Society, June 2010).

<sup>77</sup> D Phillips and K Ochs "Researching Policy Borrowing: Some Methodological Challenges in Comparative Education" (2004) 30 British Educational Research Journal 773, at 773.

<sup>78</sup> Ibid.

<sup>79</sup> Although the concept of policy borrowing applies to many other contexts and disciplines, education scholars have used and developed policy borrowing as the main tool to guide analysis of current international education governance. This great amount of academic interest in policy borrowing as an analytical tool was only found in the discipline of education. It was not found in other policy-fields that I studied to write this thesis.

According to Phillips and Ochs, thus, the value of policy borrowing in education lies “in enabling us to be ‘better fitted to study and understand our own [country system].”<sup>80</sup> Straying away from this meaning, the Tuning Project has been referred as a case of “policy export.”<sup>81</sup>

In the borrowing process, negotiations involve actors at different power levels, consequently, there will likely be levels of coercion.<sup>82</sup> In the context of the application of the Tuning Project in Kyrgyzstan, for example, signs of imposition were identified, harming Kyrgyz students, universities and the effectiveness of the national policy per se.<sup>83</sup> Students were being prepared to serve EU employers, while becoming less employable in their own country.<sup>84</sup>

As the Kyrgyzstan experience shows, the Tuning project has ventured outside of the EU and towards Central Asia. This is an attempt to expand the European Higher Education Area in order to place the EU in a leadership position as a governor of education. For instance, the efforts to expand the Tuning into Asia have said to pose a “direct threat to Australia, and the United States,”<sup>85</sup> as powerful players of the knowledge economy. There are also efforts to develop the Tuning Project Latin America, which describes itself as an independent project coordinated by universities seeking to fine tune their educational structures. Precisely because of the aspects of education that have been globalised, the Tuning is a global project linked together by the policies

---

<sup>80</sup> Ibid, at 782, referring to educationist Michael Sadler, one of the first academics to question in year 1900 “the practical value” of studying foreign systems of education in George Bereday "Sir Michael Sadler's Study of Foreign Systems of Education" (1964) 7 Comparative Education Review 307.

<sup>81</sup> Merrill, above n 72.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> Robertson “Embracing the Global?”, above n 70, at 15.

and practices that have been sent from Europe elsewhere. While this is not necessarily a problem, it may raise operational, cultural, legal and ethical challenges that will be difficult to solve in the current competitive environment in which the Tuning is immersed. These challenges should stand out in the broader debate about the future of public education as object of governance frameworks that deal with evaluation, teaching and/or curricula.

### ***1.7 The Global Campaign for Education***

The prevalence of international and regional education initiatives based on the knowledge economy has provoked the creation of transnational organisations to counter it. They generally defend a non-instrumentalist view of public education. The most studied of these important mechanisms is the Global Campaign for Education (GCE).

GCE's mission statement is unique in the global education arena.<sup>86</sup> It openly seeks to promote public education and focus its transnational efforts on keeping education public. The GCE mission states that:<sup>87</sup>

The Global Campaign for Education promotes education as a basic human right, mobilises public pressure on governments and the international community to fulfil their promises to provide free, compulsory public basic education for all people, in particular for children, women and all disadvantaged, deprived sections of society.

One would imagine that language as below would have been plenty, at least, at the discourse level, but it was not the case.

---

<sup>86</sup> Given the many institutions that I compared during the course of my research, GCE's mission statement is, to this extent and to my belief, unique.

<sup>87</sup> "Constitution and By-Laws" (2010) Global Campaign for Education  
<<http://www.campaignforeducation.org/en/resource-center>> ["GCE Constitution"].



The GCE is aware of the implications of performing a public role. It is a membership organisation open to “independent and democratic national and regional coalitions of civil society organisations, and international networks and non-governmental organisations working for quality public education for all.”<sup>88</sup> Because it recognises its own public function, the GCE: <sup>89</sup>

...commits itself to achieve its mission with objectivity, transparency and accountability and to follow democratic norms and processes in all its plans and actions.

GCE is a multi-level campaign that focusses on access to education for all and on emphasizing teachers’ issues in EFA strategies, stimulating the grouping of teachers unions and their involvement in international advocacy. Commentators, nevertheless, cite that one of the main difficulties of the campaign is not in materialising the transnational public sphere by involving several actors to advocate for education. Rather, the main challenge is to productively talk to international institutions.<sup>90</sup> Jones and Coleman explain in the context of the GCE’s relationship with UNESCO: <sup>91</sup>

The establishment principles of UNESCO, with their constitutional recognition of NGOs as partners, are a reasonable reflection of what the transnationalist and NGO movement over the past two decades has been clamouring for. UNESCO’s failures to take engagement with them seriously points once again to the organisation’s structural and operational incapacity to function according to its constitutional mandate and objectives.

---

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> PW Jones and D Coleman *The United Nations and Education: Multilateralism, Development and Globalisation* (RoutledgeFalmer, New York, 2005) at 242.

<sup>91</sup> Ibid.

Jones and Coleman focus on technical reasons to justify the tokenistic behaviour of UNESCO vis-à-vis the Campaign.<sup>92</sup> In addition, my research indicates that UNESCO has held an institutionalist approach to public services and a specific view of the objectives of education that would likely clash with the views upheld by the Campaign. There is the political issue of deference to statism that needs to be taken into account as well.

NGO's themselves are ambivalent concerning their role as public representatives and public service providers, often relying upon the recognition of UNESCO, through funding or consultation, "to strengthen their sense of their own visibility and sense of global reach."<sup>93</sup> The Campaign, despite its accomplishments, is also ambivalent about its role vis-à-vis nation-states. It is clear that the Campaign is not sure of its alleged capacity as a global public actor on its own right. On the contrary, its *modus operandi* depends on governments, since its main activity is to pressure governments to act. However, similarly to what happens to UNESCO's work, GCE's work has also taken a life of its own, being heavily involved with policy. GCE, however, is little involved with the delivery of education services. In the future, it may be able and willing to play a role in this regard as well.

Because GCE has taken a different approach to policy-making, it is, at times, in direct conflict with the positions endorsed by IGOs and regional organisations. It has been particularly critical of UN's EFA financing systems, more recently suggesting that the G8 and the IMF should build upon the Fast

---

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

Track Initiative to build a Global Fund for Education.<sup>94</sup> Instead of relying upon the national infra-structure to organise advocacy movements and to envision new action, the Campaign has relied “on outside” action to meet EFA goals. “Outside” refers to using actors and mechanisms that are not rooted on State or interstate structures.<sup>95</sup>

GCE believes that quality education for all is achievable, is a human right, and is a core obligation of governments.<sup>96</sup> Nevertheless, the Campaign has gradually influenced the governance of EFA strategies, playing a public role itself. In addition, it has pressed for a Global Fund for Education, which acknowledges the public education role that can be played by global actors and not only by the State.

In large part, global publics like the GCE emerge from a lack of trust in what the State can achieve alone. The GCE seems to have given up hope in respect of what States can do to provide quality basic education for all without pressure from transnational actors. While the campaigners, for example, envision the nation-state as the ideal space to develop public education, they are sceptical of the frameworks pushed by the international level. Namely, piecemeal leadership of the UN in promoting public education, and a piecemeal international financial machinery. As such it is not surprising that transnational public actors are pressing national governments to reclaim their

---

<sup>94</sup> Global Campaign for Education *on the Brink: Will the IMF's New Lease on Life Ease or Block Progress towards Education Goals?* (Report of the Global Campaign for Education, April 2009).

<sup>95</sup> PW Jones and D Coleman *The United Nations and Education: Multilateralism, Development and Globalisation* (RoutledgeFalmer, New York, 2005) at 237.

<sup>96</sup> “GCE Constitution”, above n 87, at Mission Statement.

public roles as deliverers of education, at the same time that they start acting upon matters of policy on their own.

## *II Hindering Global Governance? Key Principles of the Field of Education*

Four key principles of the field of public education are generally in tension with the practice of global governance. By researching the education scholarship on international and global efforts, it is possible to understand why these principles situate global governance and publicness in opposite sides. These underlying principles make it harder for education scholars and practitioners to entertain the idea that publicness in education can be built outside government programmes. These principles are reinforced by international education policies that are far from encouraging self-steering and beneficiary-centrality in respect of both student and teacher. The analysis of the principles (I also call them intrinsic characteristics) does not judge them as good or bad. It suggests that these underlying principles, or characteristics of the field, need to be recognised as important, revisited and addressed in the context of making new education governance frameworks.

Through studying the mechanisms of education listed above and the most common critiques to them, I name the following key principles:

- Public education is associated with government provision of mass-schooling, and poor mass-schooling is a national matter. In other words, cause and effect of poor schooling are generally considered governmental problems. Poor schooling is not an obvious risk to the world.

- The integrity of the classroom as a governance space is paramount and is seen as threatened by economic globalisation and powerful international actors.
- A local approach to education diverges from international efforts that have tried to standardised mass schooling to meet the modern demand for qualified workforces around the world.
- There is a practice of interpreting the right to education through the perception that this is a right of the child and not of the lifelong learner. The association of the right to education with children is also a reflection of the modern understanding of education as mass schooling.

These underlying principles facilitate a better understanding of why global education continues to be a contested and under-studied field. In addition, they have important consequences for the understanding of global social governance more broadly. They flag that most successful global governance frameworks will likely organise (at least in the short-run) around policy-fields that count with less historical reliance on national governments for mass provision or enjoy a scale of organisation that is not as local (in this case the most local level is the classroom). Alternatively, they enjoy having a common objective that is more easily understood as a right of all (rather than of children, for example.) Given the presuppositions of these key principles and their consequences to education governance, each principle is considered in more detail.

*2.1 Public education represents mass-schooling, and poor schooling is exclusively a national problem*

Today, mass schooling is intimately related to the ability of the State to manipulate the content of education and, as a result, the formation of qualified global workforces. The spread of schooling is historically based upon the relationship between the political expansion of the modern nation-state and the rise of formal education as a means to promote homogeneity of behaviour across institutions within a given nation.<sup>97</sup> Despite its origins, history shows that schooling taken as a prerogative of the State tends to be underprovided for, opening up opportunities for the commercialisation of education.<sup>98</sup> History also shows that private schooling has not solved the issue of underprovision of quality education for the largest portion of the world population, promoting elitist consumption of a public good, hence de-publicising the good in itself.<sup>99</sup>

Kaul and Mendoza explain that many societies have chosen to make basic education “available in such plentiful quantities that there need not be any competition over who gets to use” it.<sup>100</sup> Based on their explanation, one infers that Kaul and Mendoza are talking objectively about schooling, the institutionalised form of mass-education.<sup>101</sup> It is also possible to infer that they assume that basic schooling has not been underprovided in many nations. The difficulties to meet MDG 2 targets demonstrate that education services not only have been underprovided globally, as they have been underprovided to

---

<sup>97</sup> Baker and LeTendre, above n 39, at 10.

<sup>98</sup> Ibid, at 66.

<sup>99</sup> Ibid, at 70 and 82.

<sup>100</sup> Inge Kaul and Ronald Mendoza "Advancing the Concept of Public Goods" in I Kaul and others (eds) *Providing Global Public Goods: Managing Globalisation* (Oxford University Press, Oxford, 2003) 78, at 85.

<sup>101</sup> Meyer, above n 40.

specific constituencies, like Indigenous people and African descents regardless of the countries in which they live.<sup>102</sup>

The ineffectiveness of nation-states as political organisations is perhaps a valid justification for the formation of new publics to provide education services, a justification which has already been many times repeated by scholars and politicians themselves.<sup>103</sup> Society at large, however, still prefers to place indispensable welfare services in what it perceives as safe hands.<sup>104</sup> The “safe hands” of the State may represent a decaying infra-structure for all levels of schooling, and a non-existent infra-structure to provide for the social and economic empowerment of historically oppressed populations. But, still, it is a known institution and an easily-recognisable political structure.

The difficulty in envisioning an alternative public space for education is such that even progressive scholars who, in the context of their research, are able to justify when one should doubt nation-state’s capacity, find it difficult to talk about education as a service part of something like a global public sector. For example, although Jakobi’s conclusions about life-long learning illustrate that a supranational level should be more naturally thought as a political alternative, they also express how counter-intuitive the global public domain

---

<sup>102</sup> Minority Rights Group International “Minority and Indigenous Peoples’ Rights in the Millennium Development Goals” (2003) <  
[http://hurilink.org/tools/Minority\\_and\\_Indigineous\\_Peoples\\_Rights\\_in\\_the\\_MDGs--MRGI.pdf](http://hurilink.org/tools/Minority_and_Indigineous_Peoples_Rights_in_the_MDGs--MRGI.pdf)>

<sup>103</sup> Jacques Derrida *On Cosmopolitanism and Forgiveness* (Routledge, London, 2001).

<sup>104</sup> According to Jakobi, bringing studies of transnational organisations to the realm of education: “ ‘actors no longer think seriously about whether ‘the State’ is the best or most efficient form or political organisation (it almost certainly is not). They just set up more and more States to the exclusion of other forms’ ” (citation omitted). Jakobi, above n 24, at 22.

is.<sup>105</sup> Publicness is not even alluded by Jakobi when she discusses the expansion of international organisations as providers of education:<sup>106</sup>

... international organisations and countries that deal with lifelong learning often do not assume that all stages of education are provided by the public system ... The extension of education is hence mostly an extension of regulation, not provision. ... The movement towards lifelong learning is therefore rather paradoxical: on the one hand, the State is increasing its field of educational responsibility from 'cradle to grave;' on the other hand this space is often linked with private provision of education. This in turn is likely to enhance the education sector, which is currently developing and which is also already part of the WTO negotiations. ... The emphasis on lifelong learning can thus not only change a national education system, but also enhance the growth and expansion of international education service providers.

The global public sector and global publicness are concepts that are generally not deployed by education scholars. The international level is better accepted politically. As such, it is more frequently mentioned as a desirable governance partner, despite the severe critiques against the lack of effectiveness that apply to almost every international mechanism of educational governance introduced thus far.

## *2.2 The classroom as the most local education governance space*

In the context of the Tuning Project, it became visible that standardising practices are at odds with a common scholarly view that the classroom is the ideal environment for education governance to take place. In the classroom policies are made, mediated and translated into practice according to the demands of the students.<sup>107</sup> From a subsidiarity perspective, the classroom as

---

<sup>105</sup> Jakobi, above n 24, at 161.

<sup>106</sup> Ibid.

<sup>107</sup> JH Spring *Globalisation of Education : An Introduction* (Routledge, New York, 2009).



the most local level should be the stage for governance decisions whenever possible.

Within the Bologna process action-line, one finds most of its objectives associated with standardising higher education practices, despite scholarly reporting of the negative implications of standardising from above.<sup>108</sup> In practice, standardising processes and procedures facilitate comparisons and measure of compatibility, while erasing the meaningful differences that enrich the European, the Latin, the Asian... experiences and that demand different in-classroom practices. Standardising processes include how to establish an interchangeable system of credit to uniformising evaluation systems, and content for core education areas, such as physics and earth sciences.<sup>109</sup> While compatibility considerations are valuable, they should not precede more substantial questions about disempowering the classroom as a governance agent. Standardising processes such as those promoted by the Tuning Project will likely disempower the classroom, or other local spaces that can function as democratic arenas. Susan Robertson reinforces this argument by arguing that each European country has its own higher education culture:<sup>110</sup>

Overall, Europe is not perceived as a union as regards higher education. There is a perception of 'Europe' as an entity in general terms and as an economic union. However, when it comes to cultural aspects and higher education, most students saw Europe as a range of very different countries.

The Tuning Project worries little with country-to-country differences and with the many different classroom cultures developed throughout Europe. The Tuning Project is included into an unitary political structure (represented by its

---

<sup>108</sup> Terry, above n 67.

<sup>109</sup> Terry, above n 67, at 112.

<sup>110</sup> Robertson, above n 70, at 13.

inclusion in the Lisbon strategy). It is not as concerned with differences as it is with transforming the whole of Europe into a place where the best professionals are prepared for the knowledge economy.

In the context of Europe and the Tuning, it is visible that placing the project under the responsibility of a well-established regional unit may not secure the exercise of publicness, since the means and objectives of the Tuning are not necessarily within the public interest. Implementation of an European outlook of competencies, curriculum and teaching practices are far from responding to the many different demands that exist throughout the EU, even if universities have been given the opportunity to deliberate about the Tuning.<sup>111</sup> It is even more difficult to think that the European-style Tuning will satisfy the curricular needs of students in Latin America, for example.

Without awareness of context-specificity (which would challenge the European DNA of the Tuning Project), global governance in education may not deliver the type of governance mechanisms that are most effective. In fact, exploring context-specificity requires the opening of the project to be something else. According to Susan Robertson, when trusting in initiatives like the Tuning Project, the EU is embracing the kind of “global” education that is risky.<sup>112</sup>

Embracing the global, not just rhetorically but materially and institutionally, as we see with the expansion of the Bologna Process and Tuning Project into the neighbourhood spaces surrounding Europe, Asia, and Latin America, is thus particularly risky. ...

---

<sup>111</sup> Terry, above n 67.

<sup>112</sup> Robertson, above n 70, at 16.

Going global by embracing the market, has created more than a stir in the United States and Australia where these countries have the lion's share of the higher education export industry ... In the face of heightened competition the EU may well face greater governing problems for the European Commission because (ii) the 'globalizing' project is seen as alien to the idea of the 'European' university and European civility (legitimacy gap).

The *global* embraced by the Tuning Project, therefore, is a type of global that education scholars are used to critique, a *global* that relates to economic growth, adopts an instrumental use of education, and that materialises itself through development projects that are not concerned enough with publicness and with steering at the most local levels. It is different from the global domain that is public, and that wants to open new windows of opportunity for the classroom to be seen, and to voice its demands, as part of self-steering arrangements. The key question that arises, thus, is whether the education field can ever embrace a global that is not market-oriented; that is not seeking standardisation; and that strengthens rather than diminishes the governance role played by the classroom.

### *2.3 Education as a means to meet the demand for a qualified workforce*

Jones and Coleman describe the transition from the immediate post-war to the Cold War development environment as it relates to the education field. Although human rights, and other egalitarian theories, have made their way to education development during the course of the late 20th century, an economic approach to education has since become the bottom-line.

The economic approach has permeated domestic and international governance schemes, as well as bilateral and regional arrangements, figuring as one of the main obstacles to effective governance in public education. The economic

development approach to education has propelled the use of education as a means to shape the world workforce in the format most suitable to economic growth – thus the popularity of the term knowledge economy.<sup>113</sup>

There is a key difference between approaching global education as a means to create highly-specialised workers needed to promote economic growth and as a means to achieve specific education goals, such as the emancipation of the learner as agent of her or his own thinking, the improvement of curricula to create better learners, the construction of classrooms as democratic and fair spaces, or the valuing of teachers.

The economic development paradigm not only promotes non-education goals as the objectives of education governance, but it also uses strategies that do not enhance publicness and self-steering. The economic development paradigm for education governance accepts the hierarchical rationales of donor-recipient (not only of money but of the brightest students), rich-poor, North-South, West-East, and employers-employees. Although there is awareness, especially in academic circles, that a new paradigm is needed, education governance continues to be driven by the objectives of the knowledge-economy and of promoting economic growth. As a result, hybrid alliances in education have a great chance to work for objectives that are not education-specific objectives, but to serve the knowledge economy.

#### *2.4 The right to education perceived as a right of the child*

The right to education is:<sup>114</sup>

---

<sup>113</sup> For more on the origins of the concept of the *knowledge-economy* see generally the work of Peter Drucker, who coined the term: Peter Drucker “Knowledge-Worker Productivity: The Biggest Challenge” (1999) XLI California Management Review 79.

... widely recognised. It is affirmed in a number of important international human rights instruments, including the Universal Declaration of Human Rights (article 26), the International Covenant on Economic, Social and Cultural Rights (article 13), and the Declaration of the Rights of the Child (Principle 7).

There are limitations to the realisation of education as a human right. The first limitation relates to enforcement and is true to all social rights, as already explained in Chapter 2, when I advanced the argument of adopting a complementary approach between economic and social rights and services. The second limitation relates, once more, to the perception that education is the same as mass-schooling and, thus, it is a right that pertains to children. Accordingly:<sup>115</sup>

For all practical purposes, to speak of a right to education is to speak of a right of a child. Adults too may be said to have a right to education, since the eradication of illiteracy has been a goal of many governments and organisations for many years. But ensuring that children have a right to education is the best place to begin. Indeed, discussions of the right usually takes place in the context of the right of the child.

Although articles 28 and 29 of the Convention on the Rights of the Child (CRC) affirm that the right to education can be manifested in different ways, this right is generally perceived as a children's right to schooling that is "free and compulsory, at least at elementary level."<sup>116</sup> This vision has informed education governance practices as carried forward by IGOs and national governments, adopting or not a rights-based discourse.

---

<sup>114</sup> LJ LeBlanc *The Convention on the Rights of the Child: United Nations Lawmaking on Human Rights* (University of Nebraska Press, Lincoln (Nebraska), 1995) at 175-176.

<sup>115</sup> Ibid, at 176.

<sup>116</sup> *Convention on the Rights of the Child* (opened for signature 20 November 1989, entered into force 2 September 1990), arts 28 and 29.

While the Convention on the Rights of the Child has paid a great service to society, it has also reinforced an idea of education as primary schooling. Lifelong learning is at the very beginning of its trajectory. It has provided an alternative meaning to education and to education policy developed by international organisations and transnational networks, opening up opportunities for adults to more often benefit from supranational education policies.<sup>117</sup> Nevertheless, lifelong learning has not been interpreted to generate any further legal obligation towards both children and adults.<sup>118</sup>

I suspect that many attribute the moral trait of the right to education to the vulnerability of children, rather than to its broader, social justice qualities. The human right to education should be generally associated with the right to lifelong learning and self-determination. Anja Jakobi demonstrates that, although national agendas have been reshaped by international organisations working with lifelong learning,<sup>119</sup> these changes are still limited by international policies and mechanisms submitting to the needs of the knowledge-economy.<sup>120</sup> Consequently secondary and tertiary education have been constrained by the needs of the world economy. Primary education has been influenced by a liberal approach to the rights framework, which sees public education as an obligation to cover basic needs of children, rather than to emancipate the lifelong learner. These two approaches combined define the

---

<sup>117</sup> For example, Jakobi explains that life-long learning has been reproduced in national policies of more than 30 countries. Jakobi, above n 24, at 163.

<sup>118</sup> Ibid, at 160.

<sup>119</sup> This work has been championed by the OECD when convening the 1996 Lifelong Learning for All meeting. It was diffused by a range of other international actors (including UNESCO, the EU, and the World Bank). For more about international organisations see Jakobi, above n 24. See also Miriam Ben-Peretz *Policy-Making in Education: a Holistic Approach in Response to Global Changes* (Rowman & Littlefield Education, Lanham (Maryland), 2009).

<sup>120</sup> Jakobi, above n 24.

priorities of education governance today, generating tension among those forming hybrid alliances, scholars, students, and teachers.

### *III Dealing with Education's Key Principles*

More research is needed about the potential of the global level to effectively make decisions and deliver aspects of public education. Education scholars on both sides of the debate, those who believe in the potential benefit of education globalisation, and those who do not, could benefit from a more thorough construction of global public theory. Global public theory should not be prescribed by global philosophers as a universal magic-bullet, as education should not be seen by education scholars as the solution for all social and economic troubles. It can, nonetheless, highlight new, global avenues, for public education to thrive.<sup>121</sup> The on-going crisis in public education demonstrates that alternate routes are much needed.

Not enough research has been done to unpack the baggage of the term 'public' in education, especially in the global environment. Although the field of globalised education has received considerable attention in the last ten years, this attention has overlooked the 'global public' and has stumbled on the key principles of the field of education. Below, I suggest two ways to redirect the debate about global education, by adopting a global public perspective.

---

<sup>121</sup> Although Robertson alludes to the *baggage* that the term *public* carries, little is known about the perceptions of general audiences about the term public or the label *public services*; even less is known about variations of public opinion about what publicness means across sectors or countries. Robertson, above n 3.

### *3.1 Trusting in multiple publics to restore publicness in education*

Main challenges towards global publicness in education governance are not only related to internationalising or commercialising elements of education (especially curricula and evaluations), but also to an unitary vision about the ideal public response. Most scholars regard governmental responses as the responses of choice to reclaim public education.<sup>122</sup> Believing that public education can be restored by a roll-back of governmental provision alone is to ignore the formation of other publics that may be of great significance.

In general, education scholars and professionals debate the contribution of international actors to making education policy and enabling delivery.<sup>123</sup> These fundamental debates dwell on the legitimacy of international actors to deal with teaching, evaluation and curricula from above. Since the classroom is a local space with great potential to be both technical and political, it should be a more present actor in supranational education governance. Yet the development of the classroom as a governance agent, constituted by students and teachers as active actors of global social governance, is just beginning. Similarly, transnational voices of students and teachers, such as the Global Campaign for Education, are slowly beginning to converse with other supranational actors and to play a larger role in education governance.

---

<sup>122</sup> Susan Robertson "The New Spatial Politics of (Re) Bordering and (Re) Ordering the State-Education-Citizen Relation for the Global Economy" (paper presented to the XIV World Congress of Comparative Education Societies: Bordering, Re-bordering and New Possibilities in Education and Society, June 2010).

<sup>123</sup> Well-known education scholars in this field include Michael Apple, Susan Robertson, and Thomas Popkewitz. They all share a critical view of the global public as an adequate, or potentially beneficial, avenue for the development of public education.



Specifically, there are important developments in the field that go beyond the scope of this chapter, but that might open new possibilities for global education governance to enjoy higher levels of self-steering. For instance, education scholars are thinking about “emergent taxonomies of education”, and discussing the necessity of creating different, and concomitant, systems of public education.<sup>124</sup> They suggest that, while the traditional system of schooling matters, a different system should be put in place that, for example, measures one’s creative disposition, one’s ability to be savvy and resilient. These range of “soft skills” have been made unimportant, or not stimulated, by mass schooling and standard curricula.<sup>125</sup> Education policies developed at the global level could address challenges such as this, thus being complementary to traditional public education projects.

Amidst different challenges and demands in the 21st century, a source of significant agreement in education academia is the need to restore publicness in education. Academics, however, rarely question the position of public politics when it comes to education, often ignoring the recent ‘displacement’ of the public that has reflected heavily in public services.<sup>126</sup> Although, it may take time for the “idea” of the “global public” to consolidate within the education field (if it ever does) it is the task of global governance research, and an emergent global public theory, to point out the not-so obvious connections

---

<sup>124</sup> David Frank Johnson "Developing Nimble Minds for the Design of Economic, Social and Political Futures" (*XIV World Congress of Comparative Education Societies*, Istanbul, June 2010).

<sup>125</sup> Ibid.

<sup>126</sup> Robertson has recently introduced the idea of “new spatial politics” in education, concentrating in spheres inside, outside or beneath the porous borders of the nation-states. She did not engage the language of the public. Susan Robertson "The New Spatial Politics of (Re) Bordering and (Re) Ordering the State-Education-Citizen Relation for the Global Economy" (paper presented to the XIV World Congress of Comparative Education Societies: Bordering, Re-bordering and New Possibilities in Education and Society, June 2010).

between the organic necessities of the field to reinvent itself as a public sector, and what an emergent global public domain has to offer.

Perhaps the most important new public space to address issues of Global education is the Global Campaign for Education. The GCE as a global public actor contributes to enhancing levels of global publicness in education governance. The GCE is a positive example of enhancing global publicness in global governance: making more visible the demands of the student and teacher populations across the globe and, thus, increasing education effectiveness at the local level. Its model may help other global publics to be formed in the near future.

The GCE is one element of the EFA framework that is cherished by teachers, academics, international actors, and national policy-makers alike.<sup>127</sup> The products of the GCE are generally deliberated within the transnational public sphere, representing a step towards thinking of education as part of a global public domain, and as different from international development. Yet even the GCE avoids the idea of articulating and calling upon the global as a legitimate political space to host public education policies and services.

### *3.2 Exploring interconnectedness in education*

The processes of globalising education often adopt traditional developmentalist approaches. They include borrowing and lending of policies, standardisation and harmonisation, and other efficiency benchmarks for schooling. These processes are, in fact, encompassed by neither a communitarian nor a modern-State understanding of the public. While

---

<sup>127</sup> PW Jones and D Coleman *The United Nations and Education: Multilateralism, Development and Globalisation* (Routledge Falmer, New York, 2005) at [237].

globalisation of education is happening and, mostly, international actors are highly influential in making education policy,<sup>128</sup> such influence originates from a developmentalist tradition, rather than from awareness about an emergent global public domain in general, or a global public sector in particular.

Education as part of the global public sector needs to be articulated as a good or a service that if underprovided has transnational repercussions. Underprovision of education originates for reasons intra and beyond the nation-state (such as in the case of the effects of colonialism in the quality of education of the Global South.) This structural view of education matters because it helps society to envision the interconnectedness of education, and its ability to shape and be shaped by economic, cultural and political choices made outside the nation State and beyond the inter-state realm.

Most of the time, academics who study the globalisation of education actually study inter-state governance instruments. Their analyses of global education look at top-down initiatives impacting on the national environment; they seldom discuss transnational and global policies (empirically or normatively).<sup>129</sup>

---

<sup>128</sup> Miriam Ben-Peretz *Policy-Making in Education: a Holistic Approach in Response to Global Changes* (Rowman & Littlefield Education, Lanham (Maryland), 2009), at [128-129].

<sup>129</sup> Global education scholars are traditionally divided into these scholarly groups: 1) Culturalists, who are attached to the idea of education as a product of national and local agency, that is global initiatives will be always reshaped by local struggles. 2) Critics, who understand global education as one hegemonic (and misplaced) project that impact on policies, practices and people's lives as strongly as national education. 3) World Education Culture theorists who defend that there is an uniform global education culture with shared goals, policies and practices changing policies at home. JH Spring *Globalisation of Education : An Introduction* (Routledge, New York, 2009).

In general, scholars see the “global” suspiciously, representative of interested factions that oppose education as an empowering instrument. Again, this outlook downplays the equally powerful, political-resistance content of the global level, which is at the core of an emerging global public theory. Occasionally, scholars are concerned with common elements of mass-schooling that are rising ever more similar as a result of international development.<sup>130</sup> Neither of these outlooks, or concerns, openly explores global publicness in education governance. Most scholars see the terrain where global education is immersed through bordered lens.

Education governance scholarship still relies upon an unitary-vision of the public (a bordered vision of public education), which configures one of the conceptual challenges to enhancing global publicness in global education. More research is needed to explore how poor or excellent education resonates transnationally and how poor or excellent education links the fate of the world together. Hopefully, the exposure of multiple publics and how their claims connect beyond borders will provoke new inquiries, and the spreading of new spaces for publicness within a genuine frame of global education governance.

#### *IV The Current State of Education as a Precarious Medium of Global Publicness*

At this point, a global public approach to education remains highly contested. Scholars understand public education as an exclusive government matter, directly associated with the local needs of students and teachers. While messages of education for all emerged and have been institutionalised, they do

---

<sup>130</sup> Ibid.

not engage with the global public domain, but rather keep focus on standardising education through international development and for the knowledge economy.

Why do global theories have had little practical effect in the field of education? Much has to do with key principles of the field as pointed out above. They include the belief that globalisation is incompatible with the local nature of the classroom as a learning and a political space, and that top-down international practices represent virtually all attempts to provide education from outside the nation-state.

The idea that aspects of public education can be relocated to the global level will not naturally spread in the education field, but it will have to be constantly battled for.<sup>131</sup> In practice, most efforts of supranational governance in education have just taken us closer to ensuring basic schooling for all, on quantitative terms.<sup>132</sup> They have helped little to enhance the quality of the classroom experience, as they have helped little to reframe perceptions about globalisations and new forms of publicness.<sup>133</sup>

Experiences of the Global Campaign for Education are perhaps the best examples of how aspects of education governance have migrated to the global level and have maintained a concern with publicness. For instance, the

---

<sup>131</sup> Popkewitz has a similar opinion about notions of progress and emancipation arguing that “there is nothing natural” about them. TS Popkewitz *Cosmopolitanism and the Age of School Reform: Science, Education, and Making Society by Making the Child* (Routledge, New York, 2008) at 12.

<sup>132</sup> Ibid, at 111.

<sup>133</sup> In this case, Popkewitz, above n 131, at 12, refers to the work of Martha Nussbaum. M. Nussbaum “Patriotism and Cosmopolitanism: Martha Nussbaum with Respondents” in M Nussbaum and J Cohen (eds) *For the Love of Country: Debating the Limits of Patriotism* (Beacon Press, Boston, 1996).

Campaign “unites civil society in the common pursuit of the right to quality basic education for all, with emphasis on publicly-funded education;” whereas public education is considered education that is free and provided by governments.<sup>134</sup>

Despite of its focus on government provision, in terms of global governance aspects, the Global Campaign for Education has been one of the most active transnational organisations influencing education policy.<sup>135</sup> Hence, it has prompted relevant questions about the role of NGOs in social policymaking and their ability to enhance publicness, even if they do not engage directly with provision. Although the Campaign operates as an important global public, enhanced global publicness is not reflected generally in the global education field. Overall, education is currently a precarious medium of global publicness; almost all policies in what has been called (not by many) global education are actually a product of traditional international governance. This conclusion is based on the above analysis of the mechanisms, policies, and key principles of the field of education, which present themselves as resistant to the relocation of public services to anywhere other than the realm of governments.

Public education is embedded in a difficult terrain for effective global governance to take place; at least when associating global governance in public services to a group of transnational frameworks that uses high-levels of self-steering to make global social policy and provide services.

---

<sup>134</sup> “GCE Constitution”, above n 87.

<sup>135</sup> Karen Mundy and Lynn Murphy “Transnational Advocacy, Global Civil Society? Emerging Evidence from the Field of Education” (2001) 45 *Comparative Education Review* 85.

Current education policies such as EFA, even when endorsed by important global publics, like the GCE, might always face important obstacles to enhance self-steering. They range from the mismatch between internationally-set policies and domestic government capacities to the overall ineffectiveness of standardising curricula and evaluation mechanisms, when local learning experiences are so particular and varied. This is not to suggest that global governance mechanisms should be abandoned in public education. On the contrary, this is to suggest that a different approach towards global education is needed: an approach that envisions more opportunities to reclaim publicness elsewhere. Education and governance scholars, educators and students should continue to push for publicness not only in respect to government-run programmes, but also in respect to the policies and practices that are increasingly being developed at the supranational level. Hence, this argument is not a call for fewer supranational mechanisms of governance in education, but for improving present and future programmes by making them more globally public.

## *Chapter 4: AN EMERGING GLOBAL PUBLIC SECTOR: GLOBAL HEALTH LEADING THE WAY?*

### *I Introduction to Global health*

Global Health Governance (GHG) is ahead of other sectors in terms of enhancing global publicness in its mechanisms and policy responses: both the scholarship and practices discussed in this chapter support this claim.<sup>1</sup> It is slowly, but progressively, bridging the fertile formation of global health publics (and the important political role they play,) with global provision of health services. GHG leads the way towards consolidating the global public domain, and marking the characteristics of an emerging global public sector.

Because of intrinsic characteristics, global health – both as a field or a service sector – has promoted relatively successful models of global governance in public services. There are specific characteristics of the field of global health that, I argue, facilitate cooperation through global governance. These characteristics can be associated with enhanced levels of global publicness in policy and delivery responses. Put simply, because of intrinsic characteristics of the field, there seem to be more publicness in global health, which allows for more successful mechanisms to be in place.

---

<sup>1</sup> The GHG literature is multi-disciplinary. GHG has been already consolidated as a specific discipline, but global health related research is also found in medical research, law and policy, cultural and sociological studies.



GHG is:<sup>2</sup>

...collective action of a new type, moving beyond the nation State. In particular they [many new actors] created *hybrid alliances or organisations* – frequently called public private partnerships – **in pursuit of specific** health goals. (emphasis in original)

In theory, GHG represents a new approach to public health for a transformed 21st century. But newness in global health governance should not only be about mixing actors to form alliances, but about an emergent global health ethics that contributes to a different ranking of health goals. GHG should not only be about controlling the spread of diseases across borders; it should be about “people, solidarity and global citizenship.”<sup>3</sup>

This chapter explores institutions, policies, and characteristics of GHG, understood as a new way of working with public health issues that have transnational repercussions. This chapter investigates why and how, despite of political and economic challenges, global health mechanisms and policies have been able to gradually create a more conducive context (when compared to the context of global education), in which successful global governance frameworks can emerge.<sup>4</sup> Global health becomes a sector where there is room

---

<sup>2</sup> Ilona Kickbusch, Wolfgang Hein, and Gaudenz Silberschmidt “Governance Challenges through a New Mechanism: The Proposal for a Committee C of the World Health Assembly” [2010 Symposium Global health Governance] *Journal of Law, Medicine and Ethics* 550, at 554.

<sup>3</sup> Ibid.

<sup>4</sup> In summary, the analysis of governance practices in education shows that international actors have pushed for stronger government action to promote good governance. This preference, to a large extent, refers to the relationship between globalisation of education and the construction of competitive knowledge economies, including using education as a means for qualifying a suitable workforce (This is a problematic instrumental use of education portrayed in the previous chapter and exacerbated by globalisation.) The preference for stronger government traditions are also related to the nature of education services themselves, which are deeply ingrained in local cultures and indigenous needs. Martha Merrill “Educational Borrowing in

for global publicness to grow and for more effective governance capacities to develop. The more robust development of global health is also evidence that not every field responds in the same way to the globalisation of policy-making and service delivery.

Fidler explains in which procedural and theoretical contexts, new ways of working in health (or, in the words of Kickbusch, transnational hybrid alliances with specific health goals) have emerged:<sup>5</sup>

On the process side, the concept of 'Global Health Governance' emerged as a framework for governance distinct from the State-centric approach. The global health concept developed from both empirical and normative analysis. Experts begun to examine the increasing role that nonstate actors, such as multinational corporations (MCNs) and non-governmental organisations (NGOs), were playing in national and international public health... Facts on the ground demonstrated that this trend was not academic daydreaming. Normatively, public health experts began to debate the wisdom of harnessing nonstate actor participation in the process of governing public health issues. ... Forms of governance that bring together more concertedly State and nonstate actors will be central in a global era.

Mapping actors, policies, and reasons why global governance matters for public health further advances GHG theory and practice. Mapping governance in global health, which grows to be the most consolidated global social policy-field, also provides insights that may be applicable to other welfare areas.

A map of GHG includes those characteristics of global health which may have facilitated global governance by gradually embracing principles of global publicness. In this fashion, this chapter may not only be important to the global

---

Quality Assessment Standards: The European Tuning Project Played on a Kyrgyz Komuz” (Lecture to XIV World Congress of Comparative Education Societies, Istanbul, 2010).

<sup>5</sup> D Fidler *SARS, Governance and the Globalisation of Disease* (Palgrave Macmillan, New York) at 48-49. (Citation Omitted).

governance scholars and practitioners working in global health, but to all of those who want to learn good lessons and share best practices about global governance in public services. While not all frameworks will be applicable to other fields, they provoke general thoughts about the selective character of global governance. More specifically, mapping the existent practices and the facilitating characteristics of global health sheds light into questions about when and how to use global governance frameworks to design and deliver public services, and how to construct a more conducive context for successful frameworks to come forward.

Given these reasons, the sketch of GHG that follows draws attention to public health's intrinsic characteristics, which make the GHG context a more conducive environment for States, NGOs, IGOs and grassroots networks to get together (entering the global social realm) to realise a common health-specific goal (entering the global political realm). In order to map GHG, I explored the specialised literature and information about the institutions of global health provided by the actors themselves (institutional information provided on their websites, annual reports, and official publications).

## *II Global Health Governance Institutional Framework*

GHG institutional framework is complex and diverse as is the group of policy-issues that constitute global health. For instance, GHG actors engage with both communicable diseases and non-communicable diseases. In the context of communicable diseases, one can more easily appreciate the practical relevance of mechanisms of global health governance. Two main concerns are predominant in global governance of infectious diseases as we know it today;

reflecting a biological approach to health. The biological approach refers to 1) diagnosis and cure, and 2) the epidemiological effect of controlling a disease.<sup>6</sup>

Many global actors have had to work in concert to control or eradicate infectious diseases. Players at different levels of governance (from local community centres to transnational networks) perform important public health tasks. Key players such as the World Health Organisation (WHO) and the Global Fund to Fight Aids , Tuberculosis and Malaria (or Global Fund) undertake a transversal role (i.e. acting in several GHG projects at the same time and bringing them together). In addition, key formats, such as hybrid partnerships, characterised GHG. Transnational, international, national, local and grassroots organisations partner in a range of different ways form the global health institutional framework.

WHO, UNICEF, the World Food Programme (WFP), the Food and Agriculture Organisation (FAO), the International Fund for Agricultural Development, the UNDP, the ILO, the WTO, International Financial Institutions (including the Global Fund), the OECD, and the G8 interact with GHG transversally; their actions cut across various governance and technical issues. Many of these actors are considered “non-health focus” organisations (that is promoting health is not the primary mission of the organisation).<sup>7</sup> Most non-health focussed organisations are heavily involved with GHG and with a range of other public services, such as education. For instance, the World

---

<sup>6</sup> *World Health Organisation and Partnership to Stop TB Report of the Sixth Meeting of the Subgroup on Public Private Mix for TB Care and Control 2010* (Subgroup on Public Private Mix for TB Care and Control, 2010).

<sup>7</sup> According to Lee and others, “non-health-focussed institutions are concerned with a wide range of issue areas that indirectly affect social determinants of health.” Kelley Lee and others “Global governance for Health” in Ronald Labonté and others (eds) *Globalisation and Health: Pathways, Evidence and Policy* (Routledge, New York, 2009) at 295.

Bank, the WFP, the OECD, and the G8 exercise influence upon both public education and public health. This fact obviously relates to issue-link, (that is one child not well-fed cannot learn; if undernourished a child will likely be sick, etc.) But, beyond issue-link, this fact also points out that there is a broader concern of international organisations with global governance frameworks that have been used to transform public services.

Key international players are aware of the relocation of public services to the supranational overlayer. As they are also aware of the importance of public services to govern social life, they have taken advantage of the growing demand for public services spawning from globalisations. As will be demonstrated below, international organisations have greatly increased their contribution to social governance matters in the last ten years.

In health, global governance is, and will likely develop as, a powerful avenue for international institutions to directly influence the public affairs of nations around the world. A sort of anticipatory strategy is very clear in regards to the position of the G8, for example. The G8 has been considered a ‘governor of globalisation’ and a governor of health and educational change.<sup>8</sup>

This chapter’s main goal is to provide a sketch of the global aspects of health change. Thus I find it inevitable to investigate key international institutions that have exercised governance roles in public health. I also judge essential to investigate the role of public private partnerships, the most popular form of engagement between international institutions and other global actors. I start the institutional mapping by investigating the role of the WHO.

---

<sup>8</sup> Andrew Cooper, Ted Schrecker and John J Kirton “Governing Global health: Challenge, Response, Innovation” (Ashgate, Burlington, 2007) at 117.

## ***2.1 World Health Organisation***

The WHO plays a pivotal role in setting the global health agenda. Recently, it got more involved with health policy implementation and health services. In fact, after the MDGs, the need to rank global health issues and meet health-related targets expanded the social work of the WHO. In 2006, the WHO's constitution was amended, promoting debate about how the WHO can be adapted to hear nonstate actors and fit the necessities of diverse beneficiaries, from mothers and children to those suffering from mental health.<sup>9</sup> For instance, new debates about how the WHO can better work for the transnational public interest emerged. These debates include questioning if partnerships, especially those promoted by the WHO, have received input from beneficiaries and have provided tools for preventable or controllable diseases to be preventable or controllable everywhere and across race, class, and age. It also includes a consideration of how the global level can better engage with the provision of regular, basic health care by going beyond technical assistance. To achieve goals like these, the historical role played by WHO, as a technical specialised agency, is insufficient.

The WHO is said to provide robust technical leadership, but falls short from providing the political and the ethical leadership that it could, given its technical, legal, and political mandates.<sup>10</sup> The WHO, via the World Health Assembly (WHA), could indeed become a better forum to deliberate about and politicise global health issues, including, but not only, those that have been

---

<sup>9</sup> *Constitution of the World Health Organisation* (Forty-fifth edition, Supplement, October 2006, first adopted by the International Health Conference, 19-22 July 1946, signed on 22 July 1946 and entered into force on 7 April 1948), at Chapter 2 [l and m].

<sup>10</sup> Ibid.

deliberated by a few inside international institutions, such as the World Bank or the WTO in respect of patents to essential medicines.

Lee and others ponder that:<sup>11</sup>

The key question is whether technical leadership alone is sufficient to achieve real progress...

Moral or ethical leadership can also be considered an important factor in global governance. Such power arises from shared support of certain values and principles seen as underlying decision making and action.

Most of the commentators, who seem to be ambivalent about multiple publics, have indicated that the WHO is the natural institution to exercise global health all-around leadership. Nevertheless, questions remain about the WHO's "organisational, political, and technical capacity" to do that.<sup>12</sup>

In Chapter 2, this thesis discussed the roles of specialised agencies and argued, along with other commentators, that specialised agencies are, in general, technical bodies. The WHO, nevertheless, is unique, being empowered by its constitution to engage in broader activities, such as law and policy making.<sup>13</sup> This is in part a result that the WHO counts with a deliberative body, the

---

<sup>11</sup> Lee and others, above n 7, at 307.

<sup>12</sup> Ibid.

<sup>13</sup> The WHO's Constitution, forty-fifth edition, states that WHO's functions include: "...to provide or assist in providing, upon the request of the United Nations, health services and facilities to special groups, such as the peoples of trust territories; ... (h) to promote, in co-operation with other specialised agencies where necessary, the improvement of nutrition, housing, sanitation, recreation, economic or working conditions and other aspects of environmental hygiene; ... (j) to propose conventions, agreements and regulations, and make recommendations with respect to international health matter and to perform such duties as may be assigned thereby to the Organisation and are consistent with its objectives; ... (t) to standardize diagnostic procedures as necessary; ... (u) to develop, establish and promote international standards with respect to food, biological, pharmaceutical and similar products. *Constitution of the World Health Organisation* (Forty-fifth edition, Supplement, October 2006, first adopted by the International Health Conference, 19-22 July 1946, signed on 22 July 1946 and entered into force on 7 April 1948).

WHA, which has 192 members with a voting right.<sup>14</sup> Other specialised agencies do not count with the same type of deliberative forum, lacking an adequate venue for politicisation, as argued in the second Chapter. While many of the UN-system organisations should defer to the GA and ECOSOC to debate political issues with a bearing on their technical mandates, the WHO enjoys a more privileged position.

While the WHA is generally overlooked and underutilised, the potential political uses of the WHA are in great demand at the WHO.<sup>15</sup> The WHO, because of its boosted political capacity could emerge as an important mediator for new publics. In fact, the WHO has already exercised, albeit timidly, some of the functions of a new-public mediator after the 2003 outbreak of SARS (Severe Acute Respiratory Syndrome), when the WHA approved wider International Health Regulations (IHRs), providing the WHO “with new, clearly defined roles and responsibilities.”<sup>16</sup>

---

<sup>14</sup> “World Health Assembly” (2010) World Health Organisation

<<http://www.who.int/mediacentre/events/governance/wha/en/index.html>>.

<sup>15</sup> For a position contrary to the political role of the WHO, see the position of the United States in the context of debating health assistance to Arab-occupied territories. The United States emphasises humanitarian and medical assistance to the Palestinian people, but opposes the use of the WHA as a political forum. This position includes the following considerations: “The WHA again took up the issue of “Health conditions of, and assistance to, the Arab population in the occupied Arab territories, including Palestine.” According to the United States, “The proposed resolution was unacceptably one-sided against Israel”. The resolution was adopted, 92-6, with a number of countries absent. The WHA adopted by consensus WHO’s \$4.54 billion budget for 2010-2011, including a 10 percent increase in voluntary contributions. *United States Department of State Annual Report Annex* (Bureau of International Organisation Affairs November, 2010).

<sup>16</sup> For more on SARS, see its own section, under GHG policy below. World Health Organisation “World Health Assembly Adopts New International Health Regulations” (2005) Media Centre <[http://www.who.int/mediacentre/news/releases/2005/pr\\_wha03/en/](http://www.who.int/mediacentre/news/releases/2005/pr_wha03/en/)>.



In timid ways the WHO is more robustly undertaking new political activities.<sup>17</sup> For example, the WHO regional bodies have been used as a stage for political messaging and political battles.<sup>18</sup> For instance, the case made against Nestlé's marketing practices regarding milk substitutes for breast feeding was highly visible at both global and regional offices; it generated the International Code for the Marketing of Breast Milk Substitutes.<sup>19</sup> Other ground breaking initiatives championed, in part, by a political role played by the WHO include Primary Health Care programmes (PHC), often delivered in conjunction with Faith Based Organisations (FBOs)<sup>20</sup> and the essential medicines list.<sup>21</sup> In fact, political roles taken on by the WHO more recently reflect a stronger concern with basic health care and with social conditions that determine lack of

---

<sup>17</sup> Lee and others, above n 7, at 307-308.

<sup>18</sup> Loughline and Berridge on one hand describe several instances in which the decentralised (regional) structure of the WHO has caused political discomfort or tension, pushing important debates. Despite these events, the authors also give clear examples of how the WHA can be susceptible to political pressure, often passing resolutions that reflect old compromises, rather than new political arrangements. Outside of the inter-state scenario (which is marked by ups and downs, political progress and retreats) WHO's political activity has covered criticisms of behaviour of corporations, the World Bank and the WTO itself. Kelly Loughlin and Virginia Berridge "Global Health Governance: Historical Dimensions of Global Governance" (Discussion Paper n.2 Department of Health and Development World Health Organisation, 2002) at 16.

<sup>19</sup> Ibid.

<sup>20</sup> The WHO identifies and classifies medicines for "The WHO Model Lists of Essential Medicines [which] has [sic] been updated every two years since 1977. The current versions are the 17th WHO Essential Medicines List and the 3rd WHO Essential Medicines List for Children updated in March 2011 ... Essential medicines [are] those that satisfy the priority health care needs of the population. They are selected with due regard to public health relevance, evidence on efficacy and safety, and comparative cost-effectiveness. Essential medicines are intended to be available within the context of functioning health systems at all times in adequate amounts, in the appropriate dosage forms, with assured quality and adequate information, and at a price the individual and the community can afford." "Health Topics: Essential Medicines" (2011) World Health Organisation < [http://www.who.int/topics/essential\\_medicines/en/](http://www.who.int/topics/essential_medicines/en/)>.

<sup>21</sup> Lee and others, above n 7, at 307.

health.<sup>22</sup> In the context of this renewed focus, the WHO has major opportunities to embrace public health as a flagship service of the global public sector. The rise of WHO activity in forming and leading public private partnerships (PPP or PPPs) is one of these opportunities. In fact, partnerships and alliances have been the most important engine behind global governance frameworks for health.

## ***2.2 Public Private Partnerships***

The presence of nonstate actors in governance produced a new service-provision arrangement based on hybrid alliances. These hybrid alliances are formed to achieve health-specific goals and are generally organised as PPP. Alliances can be called PPP or, in this field, public-private partnerships for health (PPPH). The WHO also adopts the term Public Private Mix (PPM).<sup>23</sup> PPPH and PPM are the ways by which most global health governance mechanisms function.<sup>24</sup> PPP as the main engines of global health governance deal with a range of issues, but they mostly concentrate on infectious diseases.<sup>25</sup>

---

<sup>22</sup> Loughline and Berridge, above n 18, at 16.

<sup>23</sup> “Public-Private Mix for TB Control” (2010) World Health Organization < <http://www.who.int/tb/careproviders/ppm/about/en/index.html>>.

<sup>24</sup> A few mechanisms have been established to monitor the work of PPPH (they do not make distinction, however, between those PPPH led by the commercial sector or the third sector, or IGOs.) The Initiative on Public-Private Partnership for Health located in Geneva, under the auspices of the Global Forum on Health Research, an independent organisation, monitors the work of transnational PPPH. Global Forum for Health Research “Initiative on Public-Private Partnership for Health” (2010) Global Forum for Health < <http://www.globalforumhealth.org>>.

<sup>25</sup> Michael Reich compiled a list of public private partnerships figuring on the WHO’s website. They include Global Alliance for TB Drug Development, Global Alliance to Eliminate Leprosy, Roll Back Malaria, and Stop TB Initiative. For a complete list, see Michael Reich “Global Health Governance” in Michael Reich (ed) *Public Private Partnerships for Health: Partnerships for Public Health* (Harvard Center for Population and Development Studies, Cambridge (Mass), 2010).

Proving or debunking the alleged benefit of PPP is not my objective here. In fact, the research shows that PPP's effectiveness will depend on the principles and characteristics of the policy-field, and on the specific goal established as object of joint action. Effectiveness needs to be assessed on a case-by-case basis. Yet there are major governance considerations (administrative, political and ethical) to be made about the use of PPP to achieve global health goals and, consequently, to deliver a range of health services.

The object of this section is to map the uses of PPP in global health, and the challenges attached those uses. This section adopts as sample different types of partnerships developed by global health actors, especially by the WHO.

The WHO has promoted the creation of important PPP. Understood as a global leader, the WHO enjoys critical functions and attributions that are considered indispensable for the success of partnerships as effective governance actors.<sup>26</sup> Through these functions, the WHO has promoted the following objectives:

- encouraging Health For All;
- facilitating universal delivery and access to drugs and basic services;
- promoting research and development for neglected diseases;
- preventing premature mortality, morbidity, and disability in countries of all stages of development;
- encouraging the development of 'healthier' products to be available worldwide;
- enhancing the organisation's image and its visibility beyond the specialised health and international relations arenas;

---

<sup>26</sup> Ibid.

- integrating health and sustainable development;
- acquiring knowledge from the private sector.

In addition to promoting health-specific goals, another use of PPP is to bring businesses or business-like practices to the provision of services and the building of public infra-structures. Governance scholars following a public administration tradition have observed the harmful bringing of the ‘private’ into the nationally public sphere during the 1980s and 1990s.<sup>27</sup> At the global level, PPP have become popular partially because they bring businesses strategies or resources into public service governance. This use of PPP is criticised because it brings to global social governance not only more resources, but also private agendas. Scholars disagree about the role of private agendas in PPP. More specifically, they debate whether private interests can help advance global health goals that are shared, and that justify forming PPP in the first place. The ultimate goals of PPP are public goals. The question is whether private strategies, resources, and agendas can help advance public health goals.

Lee and Buse suggest that, when it comes to regulating the work of PPP for health, “consideration of the circumstances under which private health domain governance is appropriate and how to go about identifying when additional safeguards to protect public health governance” is helpful.<sup>28</sup> But is this residual role attributed for public protection good guidance? Should not we be thinking about bringing public values and processes into governance efforts

---

<sup>27</sup> DJ Savoie "Introducing the Topic" in DJ Savoie and G Peters (eds) *Governance in the 21st Century: Revitalizing the Public Service* (McGill-Queen's University Press, Montreal, 2000).

<sup>28</sup> Kent Buse and Kelley Lee “Business and Global health Governance”( World Health Organisation Discussion Paper n. 5, Department of Ethics Trade and Human Rights and Health Law, 2005) at 7.

that directly relate to historically public activities, such as the design and provision of health services?

If PPP's scope of work crosses national borders, its ultimate goals continue to be of shared concern. PPP continue to deal with services like distribution of essential medicines and antiretroviral treatments, pre-natal care, immunisation and food security. Essentially, these services continue to be public, even if their origin is beyond the State and their reach cross borders.

Despite the public nature of PPP's work in global health, PPP (mechanisms of governance and not of government) are seldom understood as public. GHG scholars and practitioners have failed to offer solutions that could bring PPP's functional publicness into publicness that could engender more visibility, democracy, and scrutiny. Lee and Buse, for example, suggest the principle of co-regulation for bringing PPP into account; co-regulation draws attention to the status of PPP as not public, but hybrid mechanisms.

Lee and Buse suggest the innovative framework of co-regulation as the "newest form of private sector involvement in global health governance, and arguably the most controversial."<sup>29</sup> Co-regulation is a conceptual device used by Lee and Buse to attest to the "hybrid" nature of PPP and their substantive involvement in GHG often doing similar things as governmental and intergovernmental organisations, arguing that there is:<sup>30</sup>

...some attempt to develop systems of rules in which both public and private sectors have a voice in decision-making (although when they assume a legal identity they are often established as not-for-profit or are embedded in public or private hosts.)

---

<sup>29</sup> Ibid, at 36.

<sup>30</sup> Ibid, at 36 and 37.

The question is whether one needs a different classification for PPP and whether a new category would be able to push them closer to, or further from, the specific health goals that justify their existence in the first place. Why to classify, register, and regulate PPP as global public entities seem so out of question? While the global public health sector is not well-established, palliative measures will be inserted to ameliorate the effects of private interests in public health, such as the large impact of pharmaceutical companies in public health.

Many health commentators argue that PPP and PPM are procedurally hybrid (they follow both private and public principles of administration) and, as such, should engage more systematically with principles of good governance. Good governance, nonetheless, is a problematic paradigm when transferred to the global level, especially because PPP should create health-related “social value”. In order to meet good governance criteria, PPP do not have to be concerned with creating social value as a necessary goal of joint action.<sup>31</sup> This weakness is becoming more evident in the GHG scholarship and in high-level deliberations.

In the WHO, debates on the nature of global health governance have just gained prominence.<sup>32</sup> A conversation about PPP’s publicness within the

---

<sup>31</sup> Diana Barrett, James Austin and Sheila McCarthy “Public-Private Partnerships: Illustrative Examples” in Michael Reich (ed) *Public-Private Partnerships for Public Health* (Harvard Center for Population and Development Studies, Cambridge (Mass), 2010) 41, at 54.

<sup>32</sup> For instance, WHO Director Dr Margaret Chan delivered a speech on June 2011 on the importance of Global health, in which she pointed out that “The year 2008 will likely go down in history as the tipping point that demonstrated the perils of living in a world of radically increased interdependence.” In fact, since 2008, not only global health, but global governance in public services in general has taken a new dimension across international institutions. Margaret Chan “The Increasing Importance of global health: Success, shocks, surprises, and

WHO, however, is yet to develop. It may advance a debate about the types of publicness that the WHO itself wants to engage in the 21st century. Even in regards to partnerships made with the WHO (a traditional global player,) actors representing several constituencies are quick to request that the “public health link” be made clearer. In other words, many transnational actors (which do not represent any nation-state in particular) understand the importance of being recognised and treated as institutions that do public work.

Gill Walt and Kent Buse argue that the term *public-private partnership* “reflects the increased intensity, extent, and purpose of growing private-sector interests in public-sector decision making.”<sup>33</sup> Although the authors claim that public-sector interests and values will eventually influence companies and NGOs helping to steer and row public health, they do not directly discuss publicness or how to make it count. The authors focus on the attributions of the WHO by arguing that the UN “plays a prominent role in providing a platform for the discussion, negotiation, and promotion of these norms and values [norms and values that bind together nation-states].”<sup>34</sup> They also argue that the effectiveness and legitimacy of the partnership model should be grounded upon some “critical and unique functions” of the WHO to mediate conflicts between public and private interests and cultural differences. These functions and attributes include the exercise of moral authority, the provision of norms and standards, legitimation, protection of the global commons,

---

moral vindication” (Address at the Chatham House event on the increasing importance of global health in international affairs, London, 2011).

<sup>33</sup> Gill Walt and Kent Buse “The World Health Organisation and Global Public-Private Health Partnerships: In Search of ‘Good’ Global health Governance” in Michael Reich (ed) *Public Private Partnerships for Health: Partnerships for Public Health* (Harvard Center for Population and Development Studies, Cambridge (Mass), 2010) 169, at 177.

<sup>34</sup> Ibid, at 181.

promotion of collective action, and the harnessing of country-level support.<sup>35</sup> The authors also contend that the UN (including its laws) and the WHO should be responsible for selecting private partners and determining “rules of engagement” that weaken conflict of interests in the promotion of public health.<sup>36</sup> All these suggestions are in-line with a type of GHG that enjoys enhanced levels of global publicness. However it requires major changes in the way the WHO engages with the private sector. Changes are two-fold: they require that the WHO more forcefully assesses the commitment of companies and NGOs to public health goals; as they also require the WHO to trust and to recognise companies and NGOs as legitimate, global health governance actors. The inevitable question is whether private actors enter PPP to play public roles and to work for the public interest?

Although the UN system, especially represented by the WHO, encourages the use of PPP, there is a concern that too much of this approach “will further fragment international cooperation in health and undermine UN aims for cooperation and equity among States.”<sup>37</sup> In fact, this preoccupation refers to at least three open questions in global governance theory: Firstly, how much centralisation does one need in the name of coordination, leadership, stewardship or the like in a system that was originally conceived as fluid and less institutionalised than its previous model? Secondly, how much devolution to the local level is needed?<sup>38</sup> Finally, how can the system understand and sort

---

<sup>35</sup> Ibid, at Table 7.1.

<sup>36</sup> Ibid, at 184.

<sup>37</sup> Ibid, at 170.

<sup>38</sup> This question speaks to the core of the theory of subsidiarity, which is very popular in Europe. Subsidiarity is at the core of EU law and policy. For years, EU governance scholars have been debating its meaning. In general, subsidiarity refers to devolving governance acts to the most local level possible (i.e. the most local level that is able to achieve the objectives of



through the several nonstate actors that engage in GHG under PPP and also under the umbrella-term of NGOs? I further discuss these issues below.

### *2.2.1 Role of transnational NGOs and the public interest*

The role played by transnational NGOs in the drafting of the Framework Convention on Tobacco Control (FCTC) underscores that transnational NGOs may or may not advance public interests; or may or may not exercise a public role. Specifically, it underscores that transnational NGOs can influence global social policy and PPP's work, but not always positively.

While the third sector is generally associated with benevolent, social work, NGO is an umbrella term that can host different types of organisations that engage with global health matters, such as tobacco control.

Kelley Lee argues that coherence in global anti-tobacco policy was hindered by conflicts of interest introduced by the International Tobacco Growers Association (ITGA) during the drafting of FCTC.<sup>39</sup> ITGA was founded in 1984 as a non-profit organisation representative of the needs of tobacco growers worldwide. In fact, ITGA functions as a lobby organisation that advances the interest of the industry by giving it “a human face and a Third World grassroots voice.”<sup>40</sup> ITGA's attempts to hinder debate on global tobacco control policies demonstrate that one cannot assume that NGOs are acting on behalf of the public-interest, based solely on its tax status as a non-profit organisation. It also demonstrates that the classification of NGOs as

---

the intended action.) Leslie Budd and others (eds) *Making Policy Happen* (Routledge, London, 2006) at 7.

<sup>39</sup> Lee and others, above n 7, at 305.

<sup>40</sup> Jeff Collin, Kelley Lee and Karen Bissell “The Framework Convention on Tobacco Control: The Politics of Global Health Governance” (2002) 23 *Third World Quarterly* 265, at 266.

private may be accurate from a functional perspective, but it contradicts the societal functions that permitted tax breaks to be attributed to NGOs in the first place. Lastly, the ITGA's episode demonstrates that the WHO and other UN-based organisations gradually start blocking the input of representatives of the private interest (legally established either as for-profit or non-profit) in public health matters. During the drafting process, ITGA's profile was revealed and the WHO blocked aspects of ITGA's participation.<sup>41</sup>

By not authorizing ITGA's full participation in deliberative processes, to which nonstate actors were invited to, the WHO demonstrates capacity to assess the profile of a nonstate actor and its status function (whether it works or not for the public). On the other hand, by blocking participation, the WHO exercises its power as a traditional public organisation, running the risk to undermine democratic practices that are required in a frame of global governance.

The WHO stood its ground despite severe criticisms. The WHO's attempts to block ITGA participation were grounded upon its international legitimacy and upon the collective relevance of the subject-matter. The WHO argued that tobacco governance, a public health matter, is already heavily skewed in favour of industries. Historically, the tobacco industry has had access to political and economic tools able to thwart tobacco governance for public health, at the national and at the international level.<sup>42</sup> Lee, Bissell and Collin argue there is a continuum of "industry capacity to thwart effective tobacco control." This includes the industry's ability to preclude serious consideration of control strategies; defuse calls for public law approaches by using voluntary

---

<sup>41</sup> Ibid, at 276.

<sup>42</sup> Ibid, at 267.

codes; veto or amend legislation, and undermine the implementation of control measures.<sup>43</sup>

The industry's historical ability to prevent progress in effective tobacco control justifies the participation reservations posed by the WHO to transnational tobacco corporations. ITGA, for instance, only submitted written briefs in the process of FCTC negotiations.<sup>44</sup> "Actors traditionally excluded from the State-centric politics of UN governance were heard in public hearings."<sup>45</sup> Corporations took this opportunity to suggest that the WHO was not a legitimate institution to initiate efforts to control tobacco. Although corporations used the language of subsidiarity to claim that tobacco control should be devolved to the nation-state, member-states not only recognised the legitimacy of the WHO as a global public entity, but also demonstrated willingness to differentiate between groups of actors usually bundled together as non-profit actors. Despite deceptive attempts to undermine this investigation, FCTC's processes succeeded in bringing voices that are not usually heard into deliberation (thus attempting at levelling the playing field,) while giving less consideration to some of those who have been consistently heard, and who have benefitted for too long from a private orientation to health governance.

Finally, the very "framework convention-protocol approach" demonstrates political skill (some would call it a type of political evasion) "resulting from the incremental nature of the process, and its ability to evolve over a long time

---

<sup>43</sup> Ibid.

<sup>44</sup> Ibid, at 276.

<sup>45</sup> Ibid.

horizon.”<sup>46</sup> It also demonstrates that a global public sector needs to be envisioned as the product of long-term negotiations that will shape and be shaped by the evolution of an understanding of which levels of publicness are feasible. The proposed transition implies to move from an exclusive association of publicness with governmental mechanisms to include an association of publicness with mechanisms that involve new publics, especially those forming transnational coalitions around issues that relate to public agendas, such as issues identified as global public goods.

The World Health Assembly, although increasingly aware of its functions to steer elements of new public health, is cautious when initiating a process of collectively deliberating about regulation of a far-reaching issue such as tobacco, with worldwide economic implications. Indeed, tobacco control affects growers and urban workers and their families, local and national tax revenues, national and multinational corporations in all continents. This diversity exemplifies the difficulty of consolidating a global public sector to administer, design and deliver elements of public health under a global level that is not grounded upon electoral politics. In reality the global level on its own does not rely upon any well-established criteria for public representation, or for establishing the global public interest.

There is a need to better understand what configures global public interest, which could guide the formation and promotion of PPP that work for the public. Kelley Lee and Buse, despite the general scepticism about corporations’ bottom-line, advocate for the involvement of business<sup>47</sup> in global health governance, affirming that “where private governance [of global health]

---

<sup>46</sup> Ibid.

<sup>47</sup> Lee and Buse, above n 28, at 16.

is effective, is consistent with the public's interest..."<sup>48</sup> On the other hand, Barrett, Austin, and McCarthy find it difficult to reconcile profit-seeking agendas with the public interest, a conflict that is often present in the current operation of PPP.<sup>49</sup> In general, GHG literature is divided concerning whether it is possible to conciliate profit-seeking with collective benefit.<sup>50</sup> Put simply, the question whether businesses can form PPP that work for the public has not been adequately addressed in GHG scholarship.

A preference for conciliation generally leads to an odd habit, which is to endorse business's heavy involvement with health governance based on their capacity to deliver, regardless of their obvious profit-seeking objectives. This preference has been propelled by the fact that both the commercial sector and the numbers of health problems facing governments are too large to ignore. Lee and Buse point out that a request for conciliation is not the same as to suggest that goals will be equivalent if public and private actors get involved with the same issue area.<sup>51</sup> Hence, Lee and Buse do not consider necessarily problematic the difference in objectives that are known to exist between the private and the public entities now forming PPP.

I find this difference very problematic, when one considers that most of the regulations concerning PPP are not hybrid regulations, but private-oriented.<sup>52</sup> I also find it problematic because of the political characteristics of the global

---

<sup>48</sup> Lee and Buse, above n 28, at 16.

<sup>49</sup> Diana Barrett, James Austin, and Sheila McCarthy "Public-Private Partnerships: Illustrative Examples" in Michael Reich (ed) *Public-Private Partnerships for Public Health* (Harvard Center for Population and Development Studies, Cambridge (Mass), 2010) 41, at 54.

<sup>50</sup> Contrast Lee and Buse, above n 28, and Diana Barrett, James Austin, and Sheila McCarthy, above n 49.

<sup>51</sup> Lee and Buse, above n 28, at 16.

<sup>52</sup> Ibid.

level. Businesses looking for maximization of profit should continue to use the national forum (in which routine procedures and safeguards abound) to participate in the political process, lobby, and play the important role they play as private entrepreneurs. They should not take the NGO seat in global PPP.

The global public domain should be open for business in very specific circumstances. It has a fragmented public (organised through multiple publics largely represented by transnational NGOs and partnerships); it needs to provide goods and services of collective nature; it requires a frame of global governance, hence of self-steering, and not of elected government. Because of these characteristics, the interventionist position of the WHO, which was heavily criticised by private and public organisations, regarding the participation of tobacco transnational corporations in the writing of the FCTC may be indeed justified. It matters more when one considers the several tactics employed by companies in different types of public forums to block global governance frameworks and global tobacco policy.<sup>53</sup> This destroys trust, and there is nothing to do with a sense of shared fate: with getting together to do something together.

In the context of encouraging engagement with PPP, the WHO has already limited the participation of stakeholders that are known to act in the private interest when the private interest is widely-acceptable as harmful, including the epidemic of tobacco-related diseases.<sup>54</sup> While an interventionist position of the WHO may reinforce its role as a traditional international player, it may be necessary in this early stage of GHG, which tries to conciliate the agendas of

---

<sup>53</sup> Collin, Lee and Bissell, above n 42.

<sup>54</sup> Ann Taylor and Douglas Bettcher “WHO Framework Convention on Tobacco Control: a Global “Good” for Public Health” (2000) 78 Bulletin of the World Health Organisation.

several actors. In this sense, WHO mediation is necessary to reinforce the global public role that transnational NGOs and corporations should play if engaging in PPP for public services. The rule is that transnational NGOs will work for the public, but exceptions exist. Enhancing publicness in global governance implies higher scrutiny of partners' profiles and agendas. If partners exercise a public function, they should not fear scrutiny, but cherish it. Higher levels of assessment of partners' roles (if private or public) may open better avenues for political organising at the global level, allowing IGOs and transnational NGOs to build new forms of cooperation for steering.

### *2.2.2 Role of the commercial interest*

One of the main issues at the core of innovation in health governance relates to how GHG deals with private agendas that can be deployed by a number of actors, from PPP to commercial firms or transnational NGOs.<sup>55</sup> At the outset, it is important to mention that, as things currently stand, partnerships, NGOS, or the commercial sector can represent similar low levels of global publicness. In other words, while companies are the authentic representative of the private sector, hybrid partnerships and NGOs can also be used to advance commercial or other private agendas, undermining their relationship with the public interest.

There are not effective criteria to evaluate whether global public service governance organisations are operating with either reduced or enhanced levels of publicness. Nevertheless, it is possible to identify signals and craft

---

<sup>55</sup> For instance, academics have actively participated in both epistemic and advocacy types of network such as The Health Impact Fund. For more information see, A Hollis and T Pogge *The Health Impact Fund: Making Medicines Accessible for All* (Report of Incentives for Global health, 2008).

mechanisms to help us check the commercial interest in activities exercised by nonstate actors, like companies and NGOs, in the context of public services.

Instruments like the *Human Rights Guidelines for Pharmaceutical Companies in relation to Access to Medicines* (hereafter called the Guidelines) aim at checking the commercial interest of pharmaceutical companies when they engage with public health services.<sup>56</sup> The Guidelines, while recognising that the main actor responsible for increasing access to medicines is the State, also reflect that pharmaceutical corporations “help deliver the right to health. They save lives [...] and] with this role comes responsibilities – and companies must be held to account in relation to those responsibilities.”<sup>57</sup> The Guidelines help to give content to those responsibilities, by recommending that companies “take all reasonable steps to make the medicine as accessible as possible, as soon as possible, to all those in need, within a viable business model.”<sup>58</sup> The author of the Guidelines himself, UN Special Rapporteur Paul Hunt, acknowledges that the Guidelines combined with a business model are not enough to realise the content of the human right to health, and to bring public traditions to GHG.

On a written exchange of ideas promoted by the Public Library of Science (PLOS) Medicine Debate in 2010, the question whether drug companies are living up to their human rights responsibilities was posed to the former UN Special Rapporteur on the right to the highest attainable standard of health, to a

---

<sup>56</sup> *Human Rights Guidelines for Pharmaceutical Companies in relation to Access to Medicines* (published in the report to the General Assembly of the UN Special Rapporteur on the right to the highest attainable standard of health, A/63/263, 11 August 2008).

<sup>57</sup> Paul Hunt and Rajat Khosla “Are Drug Companies Living Up to Their Human Rights Responsibilities? The Perspective of the Former United Nations Special Rapporteur” (2010) 7 The PLoS Medicine Debate, at 2.

<sup>58</sup> Ibid.



representative of the pharmaceutical company Merck, and to Harvard public health researchers. All of the respondents answered that pharmaceutical companies fall short from fulfilling their human rights responsibilities. All of them deploy arguments that related to more accountability, but accountability is envisioned in very distinct ways. Gruskin and Raad, from the Harvard School of Public Health, and Paul Hunt request higher levels of assessment, including public-type of assessment mechanisms.<sup>59</sup> Merck's perspective is that companies already do important things towards realising human rights, but could do more on a voluntary basis, using a corporate social responsibility approach (The Merck Perspective).<sup>60</sup>

I am most interested in Hunt's suggestion for a global safeguard. This measure is justified based on a complex understanding of the right to health as including service provision.<sup>61</sup> It also takes on pharmaceutical companies as responsible partners for quality and quantity of provision. Suggesting, for example, that an office of the Ombudsman could be established to check corporate activity in GHG, he challenges corporations to accept public-type of oversight. Hunt comes close to suggest a reciprocal relationship between the public and private spheres.<sup>62</sup> It seems possible to infer that Hunt suggests that, if pharmaceutical companies are coming into the delivery of essential medicines, some government traditions should make their way into the pharmaceutical company.

---

<sup>59</sup> Sofia Gruskin and Zyde Raad "Are Drug Companies Living Up to Their Human Rights Responsibilities? Moving Towards Assessment" (2010) 7 The PLoS Medicine Debate.

<sup>60</sup> Geralyn Ritter "Are Drug Companies Living Up to Their Human Rights Responsibilities? The Merck Perspective" (2010) 7 The PLoS Medicine Debate.

<sup>61</sup> For more information on the right to health as interpreted from an operational perspective, see Chapter 2.

<sup>62</sup> Hunt and Khosla, above n 57, at 3.

Specifically, he suggests that:<sup>63</sup>

If a company is serious about its responsibilities to society, why not establish, for example, a corporate Ombuds<sup>64</sup> with oversight of its right-to-health responsibilities relating to access to medicines?

...

If others [courts, States, companies] fail to act, a consortium of civil society organisations should appoint a panel of well-respected global leaders, supported by a small but properly resources secretariat, to monitor the policies and practices of pharmaceutical companies and hold them publicly accountable for the discharge of their right-to-health accountability mechanisms, then civil society must take the initiative.

Hunt's call for a global civil society Secretariat and Ombudsman is similar to a call for the insertion of public traditions in global governance and, for this reason, very significant for this thesis. Scholars have called for public traditions to guide especially the governance of essential medicines.<sup>65</sup>

Ideally, pharmaceutical reform via global governance would dwell on the immorality of patent rights (a private law resource) over seeds and pharmaceuticals that are vital to people's wellbeing. Pharmaceutical companies generally envision reforms through voluntary, social responsibilities measures that aim at giving back to the community. IGOs look at pharmaceutical reforms from a regulatory perspective that aims to cap profit from essential medicines and guarantee that essential medicines can be made available in all countries. Even if international mechanisms have been in place

---

<sup>63</sup> Ibid.

<sup>64</sup> I assume that Hunt adopts the term Ombuds to refer to ombudsman or to an Office of the Ombuds. Stanford University, for instance, relies upon an "Office of the Ombuds" to impartially resolve disputes and to "see that faculty, staff, and students at the university are treated fairly and equitably." "Office of the Ombuds" (2010) Stanford University <<http://www.stanford.edu/dept/ombuds/>>.

<sup>65</sup> For the WHO concept of essential medicines and WHO model list see above n 20.

to guide reform, such as the regular enforcement of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), access to essential medicines continues to be one of the major challenges in GHG.<sup>66</sup> Actual access to EMs requires more than isolated community projects or stronger trade policies, but integration with the work of local health agents, better distribution infra-structures, and worldwide affordability.<sup>67</sup>

In order for essential medicines to be available to all, pharmaceutical companies would have to let go of their most profitable patents, even if these patents could imply the death of thousands of people elsewhere. Thus, it requires a major change in how the market and government see their roles in global governance: the company generally sees its role as private; the government generally sees its role within its national borders. In addition, the circumstances that shape the moral values of those who run pharmaceutical companies also contribute.

Moral values that relate to a context where social and cooperative psychology is predominant (i.e. the global public domain,) rather than a meritocratic and individualistic context (capitalist nations) may also be associated with enhancing global publicness. Only when companies and governments understand the type of context in which GHG is embedded, including the characteristics of the types of bonds that make sense of the global public domain, they will develop global health policy for essential medicines that will enjoy higher levels of publicness. Similarly to what happens with Hunt's

---

<sup>66</sup> *Agreement on Trade-Related Aspects of Intellectual Property Rights* (TRIPS) signed in April 15, 1994 as Annex 1C of the Marrakesh Agreement establishing the World Trade Organization, Marrakesh, Morocco).

<sup>67</sup> Hunt and Khosla, above n 57.

Guidelines, opening up access to essential medicines also depends on the ability of bringing public traditions into the work of corporations.

There is “much lament about how evil corporations are putting profits above people, above health, above animal welfare, above the environment.”<sup>68</sup> And these laments may be based on true facts about negative effects of corporations in the organisation of social life. However, complaints and critiques are usually misdirected.<sup>69</sup> The root of the evil lies not in corporations themselves. It resides in how society regulates and incentivises entrepreneurship and profit-seeking activities within areas that are part of the social realm (which is populated by issues that should be decided and acted upon collectively). In other words, the problem resides in a societal lack of ability to make corporate acts of social governance more public. For example, governance acts that interfere with access to essential medicines are situated in the social realm and, hence, should be made public. This task is even more difficult at the global level, where democratically debating, publicising, regulating, and holding to account are also acts of governance. They are acts of collective responsibility and there is no government to help us out.

In issues of global public concern, such as essential medicines, corporations need to be incentivised, monitored and brought into responsibility regardless of the national, commercial and tax laws that regularly apply. The global level needs tools of its own to be able to take advantage (thus for global public goals) of what multinational companies have to offer. At the same time, those groups that generally are not invited to steer, including small businesses,

---

<sup>68</sup> T Pogge “World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms” (2th ed, Polity, Cambridge, 2008) at 251.

<sup>69</sup> Ibid.

grassroots organisations, and transnational organisations working with minority rights need to be called to steer within governance frameworks. In this sense, the market can be an active actor in global public service governance if it is part of an arrangement of self-steering and channelled to do what is good for society.<sup>70</sup> While this is a philosophical argument, even small steps towards bringing the work of pharmaceutical transnational companies into the global public realm may have important repercussions on the ground.

The assumption that there is room for the commercial sector to profit from global governance strategies is not settled and requires further thought. A productive way to think more deeply about the role of the commercial sector and of the private interest is to engage in much-needed dialogue about the current functions of PPP for health, and their ideal legal and political status as public or private or mixed enterprises.

### *2.2.3 Final considerations about nonstate actor participation in GHG*

Nonstate actors have influenced or transformed all the global health campaigns analysed in this research project (discussed below). Questions about the actual benefits of nonstate activity remain open, especially whether beneficiaries of global campaigns benefit equally, or benefit as they should. A similar question is whether nonstate actor presence is able to democratise, improve or originate new services, when compared to what traditional arrangements usually achieve. If not why to let go of the welfare State for provision of health services?

---

<sup>70</sup> Ibid.

As the role of the private sector grows in delivery so does the discourse for more accountability measures. Accountability measures may become valuable tools for the global public sector, but they are not the same when applied to public services understood from a global public perspective. Actually, accountability at the global level may as well serve as a measure for the cooptation of publicness and not the enhancement of it. I will argue more extensively in the next chapter, following the work of political theorist Jane Mansbridge,<sup>71</sup> that accountability is almost an empty concept at the global public level. Yet, ironically, it is at this level that the concept has been articulated the most. While the global public environment, in which it is immersed remains poorly understood, with murky legal and political roles, standard accountability as a concept is virtually inoperable.<sup>72</sup> It should not be the one default principle used to authorize action of a public nature, that will affect, in one way or another, the world population.

There is a need to design mechanisms that undermine the deeper, ethical challenges that emerge when transnational nonstate actors, commercial or not, get involved with the provision of the most basic services, such as child welfare – from birth to school. The language of public-private partnerships is a reminder that the dominant presumption is that governance in public services does not need to follow public principles. In this regard, transnational actors, just as international specialised agencies, may take advantage of the political shield of the nation-state. In fact, when it comes to analysing partnerships for

---

<sup>71</sup> See generally Jane Mansbridge “A Deliberative Perspective on Neocorporatism” (1992) 20 *Politics and Society* 493; Jane Mansbridge *Beyond Adversary Democracy* (University of Chicago Press, Chicago, 1983); and Jane Mansbridge “The Fallacy of Tightening the Reins” (Keynote Address to the Austrian Political Science Association, Vienna, 10 December 2004).

<sup>72</sup> Jennifer Rubenstein “Accountability in an Unequal World” (2007) 69 *The Journal of Politics* 616, at 620-625.

public services little is said about their political responsibilities. In other words, there are few opportunities to discuss the political responsibilities of actors who are exercising functions that presuppose political authority.

Many hybrid alliances, based on qualitative analyses of case studies conducted by health specialists and presented below, have been beneficial. Most beneficial partnerships have, to some extent, engaged with social movements. Consequently, successful partnerships have been part of historical struggles for adequate health provision for different constituencies, such as in the case of Polio, TB and HIV/AIDS campaigns. Nevertheless, it is important to understand that not all hybrid alliances will be beneficial. I suggest that the GHG partnerships we need more of are those that recognise their duties and responsibilities as global public actors, consciously enhancing the levels of global publicness in their programs and policy responses. For instance, hybrid alliances which provide health care to assist vulnerable groups of the Global South and of the Global North are urgently needed. I envision, for example, global partnerships to provide basic health care for global immigrants, attending service workers from the United States to Dubai. Thus, while there are many roles that should be played by the private sector in hybrid alliances, I agree with scholars that argue there should be little room for the private interest to be factored in GHG decision-making and provision. The main purpose of PPP in this context is that they work *for the public*.<sup>73</sup> This is one of the most important debates in GHG. It is also relevant for a general debate of global publicness in global governance as new institutions are developed to

---

<sup>73</sup> Janet Newman and John Clarke *Public, Politics and Power: Remaking the Public in Public services* (Sage, Los Angeles, 2009) at Introduction.

finance programmes in public health, like the Global Fund to Fight Against AIDS, Tuberculosis and Malaria.

#### ***2.4 The Global Fund***

The Global Fund to Fight AIDS, Tuberculosis and Malaria (or simply The Global Fund) represents an innovative means to finance global governance projects; financing is a very important aspect of global governance of health services. The Global Fund has emerged from the need to re-invent development financing, and it has adopted a language that showcases its attention to new publics.<sup>74</sup>

The Global Fund represents a new approach to international health financing.

...

As a partnership between governments, civil society, the private sector and affected communities, the Fund works in close collaboration with other bilateral and multilateral organisations, supporting their work through substantially increased funding.

Among other activities, The Global Fund is currently the main funder of the Partnership to Stop Tuberculosis (TB). Since 2002, it has been able to increase exponentially the levels of funding to global TB treatment schemes.<sup>75</sup>

For instance, in four years of financing the Global Campaign to Stop TB, the Global Fund has been invaluable in the production of important results.

---

<sup>74</sup> UN-ECOSOC Innovation Fair Database “The Global Fund to Fight Aids, Tuberculosis and Malaria” (2009) Office for ECOSOC Support and Coordination <<http://esango.un.org/innovationfair>>.

<sup>75</sup> The Global Fund to Fight AIDS, Tuberculosis and Malaria *Results with Integrity: the Global Fund's Response to Fraud* (April, 2010) section 1, 4.



According to the 2010 report on *Global TB Control*, key mechanisms financed by the Global Fund are:<sup>76</sup>

... the Global Drug Facility (GDF), Green Light Committee (GLC) and TBTEAM, which facilitates countries' access to a network of technical partners and competent, well-coordinated technical assistance.

These mechanisms developed through a 'network of technical partners' generated the following results:<sup>77</sup>

1.8 million TB/HIV services provided - a 150 percent increase since the end of 2008, contributing to the decline of TB prevalence and mortality rates in many countries.

Approved TB proposals totalled up to US\$ 3.2 billion covering 112 countries. This contributes 48 percent of the projected coverage required to achieve the Stop TB Partnership targets for the detection and treatment of new smear-positive TB cases.

The Global Fund provides 63 percent of the external financing for TB and multidrug-resistant TB (MDR-TB) control efforts in low- and middle-income countries - it is the major source of international funding for tuberculosis.

It is likely that if the Global Fund had not been established to directly finance TB services, these results would not have been achieved. Although, similar transformations have been observed in HIV/AIDs control, the malaria effort led by the Global Fund is lagging behind.<sup>78</sup> Malaria treatments have only recently expanded globally. Reasons for the delay include high cost and chain-

---

<sup>76</sup> "Global Fund Releases its 2010 Results Report" (2010) News Stories. <[http://www.stoptb.org/news/stories/2010/ns10\\_009.asp](http://www.stoptb.org/news/stories/2010/ns10_009.asp)>. See especially, World Health Organisation *Global TB Control Report* (Tuberculosis Programme, 2010), at section 4.

<sup>77</sup> Ibid.

<sup>78</sup> J Cohen, I Singh and ME O'Brien "Predicting Global Fund Grant Disbursement for Procurement of Artemisinin-based Combination Therapies" (2008) 7 *Malaria Journal* 200.

of-supply challenges in the production of the type of therapy needed (Artemisinin-based combination (ACT)) . Yet, despite these difficulties:<sup>79</sup>

... the Global Fund is presently the single largest funding source for ACT procurement worldwide, funding an estimated 264 million treatments through its fifth funding round. Analysis of global ACT financing indicates that the Global Fund is responsible for funding approximately 70–78% of all public sector ACT procurement.

Despite of the expansion and improvement of the Global Fund priority areas, the Fund has been critiqued for its quantification of health goals and strict single-disease focus.<sup>80</sup> There is also a concern that the Global Fund is not autonomous to choose its funding priorities and policy interventions. The Fund follows the will of its major donors (which are both private and public). This may undermine considerations about which countries or policy-areas need funding the most. In this sense, the Global Fund may reproduce the same problems of international development funding, when following the agendas of large countries or large foundations. These agendas may include diplomatic retaliation and maximisation of economic gains. This preoccupation refers to a concern with low levels of publicness. Yet, from an operational point of view the Global Fund is innovative; its status as public or private is murky (and here resides a challenge) as is the case of most global hybrid alliances involved in GHG.<sup>81</sup>

---

<sup>79</sup> Ibid (citation omitted).

<sup>80</sup> Editorial “The Global Fund; Replenishment and Redefinition in 2010” (2010) 375 *The Lancet* (London, March 13, 2010).

<sup>81</sup> For instance, the Global Fund is “a unique, public-private partnership and international financing institution dedicated to attracting and disbursing additional resources to prevent and treat HIV and AIDS, TB and malaria.” The Global Fund is a Swiss organisation. Under Swiss law, the Global Fund is a private entity albeit it enjoys status (privileges and immunities) as if it were an international organisation. There is not an available legal category to discipline global public-private partnerships as the Global Fund. For more on this matter see Davinia

The critique that refers to the Global Fund's status, as neither public nor private, is relevant because it promotes wider discussions about publicness in GHG. First, it reflects that the challenge of enhancing publicness goes beyond including nonstate actors in the process of governance acts, in this case funding. It also reflects that while the Global Fund has promoted more service delivery, delivery does not necessarily mean that services have reached those who needed them, those who needed them the most, or in the way beneficiaries needed them. In fact, while GHG in general has enjoyed more global public service delivery, there has been relatively low levels of interest in the quality and publicness of these new services.

These challenges, which are fundamental in a debate about enhanced publicness, enhanced self-steering, and successful global social governance will become more apparent when specific GHG policies are analysed.

### *III Examples of GHG Policy*

#### **3.1 The Millennium Goals and Global Health**

Primary Health Care (PHC) has become more prominent in the agenda of IGOs given the fact that six of the Millennium Development Goals are directly related to health. The WHO considers health-related MDGS as the following: MDG 1 (eradicate extreme poverty and hunger); MDG 4 (reduce child mortality); MDG 5 (improve maternal health); MDG 6 (combat HIV/AIDS, malaria and other diseases, which have propelled the creation of the Global Fund) MDG 7 (ensure environmental sustainability) and MDG 8 (develop a

---

Aziz "Global Public-Private Partnerships and International Law: New (Mis) uses of International Organisation Privileges and Immunities" (paper presented at the 2nd NUS-AsianSIL Young Scholars Workshop, NUS Law School, October 2010).

global partnership for development).<sup>82</sup> MDGs 1, 4, and 5 are directly related to the establishment of functional PHC systems.

The MDGs have engendered UN-system action, especially led by the WHO and the UNDP. The WHO and UNDP have used the three spheres of action identified in the second chapter to conduct global health work. They have been influential in reshaping public administration traditions, in transforming global social policy, in an increasingly generating new ways of service delivery. They have assisted nation-states to create more PHC programmes, such as family health programmes, they have engaged with nonstate actors to design and provide immunization and adequate nutrition, as well as construction of sewage and water systems, and they have directly delivered services when necessary (like in the case of WHO work in Sudan.)<sup>83</sup>

---

<sup>82</sup>“Health Related MDGs” (2010) World Health Organisation  
<<http://www.who.int/gho/mdg/en/index.html>>.

<sup>83</sup> In Sudan, the impact of global humanitarian work on public services has been profound. With the start of conflict in Darfur at the end of 2003, a humanitarian emergency was triggered and spread throughout Sudan. Since then, the WHO, largely because of the conflictious situation, implemented a focus for its work that includes direct health-policy making and service provision. More specifically:

As of October 2004, up to today, WHO focusses on:

- The completion of the physical rehabilitation [of health care facilities]
- The introduction of the Rational Use of Drugs policy, according to the national essential drug list and according to international standards. Training of pharmacists and clinicians in this list forms an essential part of this.
- The enforcement of the referral system aims to decrease the workload by enhancing the Primary Health Care centres network and transportation facilities. A medical referral form adapted to the specific IDP situation, is to be used as a two-way communication, including the tracking of patients.
- The capacity building of the hospital management (both at federal and State level)
- Introduction, or where already existing, enhancement of Health Information Systems.

Global governance in public services in Sudan and through global humanitarian work more generally requires further research. For this project, I chose to leave out how humanitarian work helps to build a global public sector and shape public services. Clearly, there is an

The MDGs have contributed to increasing global stewardship in social policy making.<sup>84</sup> Unfortunately, deep-rooted inequalities and country-to-country differences challenge the capacity of global actors to meet the 2015 deadline. Besides, the origin of the MDGs as an exclusive quantitative project, with internationally set benchmarks, has been demonstrated to sometimes exacerbate the weight of inequalities rather than undermine it.<sup>85</sup> Yet mechanisms of global PHC governance have been further developed precisely in the context of MDGs. There are more mechanisms pretty much everywhere, but the benefits of these mechanisms seem to vary exponentially from country-to-country.<sup>86</sup> Two examples are the provision of nutritious food through technical networks organised by the World Food Programme and the Partnership for Maternal, Newborn and Child Health.<sup>87</sup> While maternal health perhaps represents the most challenging part of the MDG strategy, political

---

important connection, which my research on the Red Cross flagged. In the case of the Red Cross, which started working only in emergencies, health services have been expanded to include regular provision of ambulances and blood supplies around many countries. This is just one small piece on the puzzle of how humanitarian work defines public services and public administration in least developed countries, which often suffer with civil strife. About the global social governance in Sudan, see the World Health Organisation Sudan Country Office “Secondary Health Care Experience in Emergencies – The Darfur Experience” (2009) World Health Organisation < <http://www.emro.who.int/sudan/Index.htm>>.

<sup>84</sup> World Health Organisation, 2008 World Health Report: Primary Health Care: Now More than Ever (2008).

<sup>85</sup> Kath Moser, David Leon and Davidson Gwatkin “How Does Progress towards Child Mortality Millennium Development Goal Affect Inequalities between the Poorest and Least Poor? Analysis of Demographic and Health Survey Data” (2005) 19 British Medical Journal 1180.

<sup>86</sup> Ibid.

<sup>87</sup> For more information on some of the World Food Programme services see “Nutrition for Mothers and Young Children” (2010) Partnership for Maternal, Newborn and Child Health (PMNCH) < <http://www.wfp.org/nutrition/mothers-children>> .

mobilisation has increased in the last two years, especially under the auspices of UNDP administrator Helen Clark.<sup>88</sup>

The Partnership for Maternal, Newborn and Child Health (PMNCH) is an important 21st century mechanism of global governance, which was born out of MDG 4 (improve maternal health) and MDG 5 (reduce child mortality). It is also a good example of a mechanism of GHG that does not refer to a dreadful epidemic, but to basic issues concerning the health of mothers and children. As the Partnership demonstrates, not only epidemiological services have been transformed by new governance mechanisms, but also basic services such as pre-natal care. Transformations in basic health services have been more intense given the MDGs. Below, I use the area of maternal health care as an example of how the governance of primary care has changed as a result of MDGs.

According to the WHO, 10 million mothers and newborn children die each year from preventable causes.<sup>89</sup> In this context, the partnership has a large task at hand to achieve MDGs 4 and 5. It includes six priority actions: from tracking progress and doing advocacy to the development of a hands-on package of interventions. This package of interventions relates to technical

---

<sup>88</sup> Helen Clark "The Millennium Goals: Ten Years Down, Five to Go" (speech to the general public at the Christchurch Cathedral, Christchurch (New Zealand), 2010).

<sup>89</sup> The Partnership for Maternal, Newborn and Child Health (PMNCH) "New Global Consensus on Maternal, Newborn and Child Health to Save Over 10 Million Lives" (2009) World Health Organisation <[http://www.who.int/pmnch/media/press\\_materials/pr/2009/20090922\\_worldleadersconsensus/en/](http://www.who.int/pmnch/media/press_materials/pr/2009/20090922_worldleadersconsensus/en/)> .

assistance to public administrations, supply-side services, and also relates to demand-side, which is developed via community outreach.<sup>90</sup>

In April of 2010, a group of experts and representatives of the partnership deliberated about specific interventions. They varied from prevention and treatment of eclampsia with magnesium sulphate to the provision of rotavirus vaccines for prevention of rotavirus diarrhoea.<sup>91</sup> During the same meeting, in New Delhi, the constituencies of the Partnership presented their “Statement of Commitments” at the closing session. The NGO and the Academic, Research and Training constituencies produced statements around the principle of the right to health; the idea of universal access; and the objective of promoting the health and survival of all the world’s women and children.<sup>92</sup> The NGO statement also made a commitment to implementation which includes the strengthening of local capabilities “to develop, adopt, scale up” proven interventions and “to develop, test, and evaluate innovative approaches, including modern information and communication technologies to deliver essential, high quality health and social services and information, especially for marginalized and vulnerable groups.”<sup>93</sup> In the same Summit, both

---

<sup>90</sup> The Partnership for Maternal, Newborn and Child Health (PMNCH) “Partners Forum” (2010) World Health Organisation

<[http://www.who.int/pmnch/events/partners\\_forum/20101114\\_ngoStatement.pdf](http://www.who.int/pmnch/events/partners_forum/20101114_ngoStatement.pdf)> .

<sup>91</sup> The Partnership for Maternal, Newborn and Child Health (PMNCH), “Annex to the Partners Forum Report” (2010) World Health Organisation

<[http://www.who.int/pmnch/activities/interventions/20100407\\_pa2meeting\\_annex\\_newtable.pdf](http://www.who.int/pmnch/activities/interventions/20100407_pa2meeting_annex_newtable.pdf)> .

<sup>92</sup> The Partnership for Maternal, Newborn and Child Health (PMNCH) “Academic and Researchers Statement (2010) World Health Organisation”

<[http://www.who.int/pmnch/events/partners\\_forum/20101114\\_art\\_Statement.pdf](http://www.who.int/pmnch/events/partners_forum/20101114_art_Statement.pdf) At November 06> .

<sup>93</sup> The Partnership for Maternal, Newborn and Child Health (PMNCH) “NGO Statement” (2010) World Health Organisation

<[http://www.who.int/pmnch/events/partners\\_forum/20101114\\_ngoStatement.pdf](http://www.who.int/pmnch/events/partners_forum/20101114_ngoStatement.pdf)> .

constituencies pledged their support for action and accountability. This Statement exemplifies the emergence of another pattern in GHG that has gained momentum with the revitalisation of primary care as a main concern of MDGs: NGOs are more often, and more overtly, committing to providing services. Besides, they seem to have acquired better means of doing so.

The MDGs, as the example of maternal and child health demonstrates, have contributed to promoting policy debates about the importance of primary care as part of a global health strategy. But there is little evidence that the MDGs will succeed as main drivers of partnerships that work for the public. New alliances have been created to work towards the MDGs, including new arrangements inside of the UNDP and UNDESA (which is the case of the PMNCH). They are now responsible for debating important issues of global primary care.<sup>94</sup> With these new arrangements, however, the WHO's role is said to have been dangerously reinterpreted to achieve the MDGs, which decreased significantly its capacity and willingness to exercise its public function of setting norms and standards and of re-establishing political debates about health.<sup>95</sup> This emphasis on MDG achievement, thus, has the potential to exacerbate the lack of political and ethical leadership that plagues PPP working in health under the field of Development.

The text of the Millennium Declaration does not ignore the problem of the developmentalisation of health. It recognises that “in addition to our separate responsibilities to our individual societies, we have a collective responsibility

---

<sup>94</sup> The above-mentioned The Partnership for Maternal, Newborn and Child Health is a good example of MDG-driven initiative that has considered social determinants of maternal health in order to devise governance policies. Similarly, maternal health has featured on debates about the global social floor as an important determinant of the general state of global health.

<sup>95</sup> Lee and others, above n 7, at 308.



to uphold the principles of human dignity, equality and equity at the global level” (citation omitted).<sup>96</sup> In effect, the MD inspires a global public sector that is quite different from the services being provided by the international community to achieve the MDGs, one of the most popular mechanisms of global social governance today. Yet the content of the Declaration and the recent lessons learned through the MDGs project give hopes that a more holistic approach (other than an international, developmentalist targets-based approach) to global social challenges may complement the MDG project in the near future, or revisit it all together.

### ***3.2 GOARN and the Control of SARS***

David Fidler explained, in his study of Severe Acute Respiratory Syndrome (SARS), that global governance is generally envisioned as the best way to address the threats posed by the communicable diseases of the 21st century.<sup>97</sup> This is grounded upon the fact that no organisation alone is able to contain microbial pathogens, and a concerted effort that goes beyond the international level is needed.<sup>98</sup> This fact became more salient in the context of controlling the 2003 SARS outbreak.

The control of the SARS outbreak in 2003 and the creation of the Global Outbreak Alert and Response Network (GOARN) are cited as landmarks in the setting up of post-Westphalian governance in public health.<sup>99</sup> Fidler, whose work I borrow from to introduce an analysis of SARS and governance,

---

<sup>96</sup> Ibid, at 298.

<sup>97</sup> D Fidler “SARS, Governance and the Globalisation of Disease” (Palgrave Macmillan, New York, 2004).

<sup>98</sup> Ibid, at 46.

<sup>99</sup> *Global Outbreak Alert and Response* WHO/CDS/CSR/2000/3 (report of a WHO meeting, Geneva, Switzerland, 26-28 April 2000).

explains that “during the response to SARS, GOARN electronically linked some of the best laboratory scientists, clinicians, and epidemiologists” forming a “united front against a shared threat” to effectively control a disease that was new and poorly understood, with no effective vaccine or cure.<sup>100</sup> In this context, SARS was controlled by a new way of working, which is characterised by the participation of “not only States and intergovernmental organisations but also nonstate actors, such as NGOs and multi-national corporations” in the governance process.<sup>101</sup> As GOARN, many health governance mechanisms today include nonstate actors and differ from interstate mechanisms of a few years ago.<sup>102</sup>

Efforts used in the control of SARS produced positive results: the containment of the 2003 outbreak in four months and, equally important, a framework of governance that could work without a regulatory and legal apparatus in place.<sup>103</sup> As reported by the former WHO Executive Director of Communicable Diseases, David Heymann:<sup>104</sup>

---

<sup>100</sup> David Hermann, former Director of Communicable Diseases at the WHO “Foreword” in D Fidler “SARS, Governance and the Globalisation of Disease” (Palgrave Macmillan, New York, 2004).

<sup>101</sup> Ibid, at 51 and at 189.

<sup>102</sup> Fidler’s use the term *Post-Westphalian* to characterise the system used to control SARS in 2003 which, arguably, would render outdated the past mechanisms used to warn countries about an eminent epidemiological threat. Past mechanisms, arguably, could be considered Westphalian because they were grounded upon principles of non-intervention and State consent. Ibid, at Glossary.

<sup>103</sup> Ibid, at Introduction.

<sup>104</sup> Hermann, above n 100.

The coordinated international response to SARs under GOARN followed a proposed new way of working under the International Health Regulations (IHR), the set of international legal rules that provide the WHO its mandate for global infectious disease surveillance and response. The IHR seek to ensure maximum public health security in the face of the international spread of infectious diseases, but the Regulations have not kept pace with the nature of the microbial menace.

The handling of SARS was new compared to how epidemic control had previously been handled inside of the WHO. For instance the 2003 SARS effort acknowledged the existence of International Health Regulations (IHR) but overcame it, by updating the regulations just after the outbreak was controlled. The regulations, at the time of the outbreak, had last been revised in 1969. The IHR have been since revised to accommodate many of the practices adopted by the WHO in the context of SARS, avian influenza, and HIV/AIDS. Currently, member-states are required to report the diseases originally covered by the IHR— cholera, plague, and yellow fever – and other EIDs; nonstate actors also contribute to the reporting process.<sup>105</sup> Therefore, the SARS new way of working promoted, as a consequence, the formation of new publics around epidemic control: laboratories, scientists and community centres, all working towards advance the control or eradication of diseases. These actors revealed the need for new regulation, which came after the fact. The WHO resorted to these actors, despite of the incompatible regulations in place, as the only way to provide much-needed global public services related to communicable disease control.

In this fashion, the SARS experience reflects some of the elements of global governance theory, which emerged in International Relations one decade prior

---

<sup>105</sup> World Health Organisation “International Health Regulations” (2ed, World Health, Organisation, reprinted in 2008).

to the outbreak of SARS in 2003. In this regard, the most important fact is that WHO practices have highlighted the diminished relevance of formal laws and regulations to guide global level action. SARS, an epidemic that “reinforced the mutual vulnerability of societies to microbial threats,”<sup>106</sup> is considered the first dangerous pathogen to emerge in a “radically new governance context.”<sup>107</sup> Thus SARS control was marked by the availability of new technologies and the facilitated and recognised communication with nonstate actors. It was also incentivised by the exacerbated fear of microbial organisms associated with new diseases and terrorism,<sup>108</sup> which opened up new political possibilities for joint action, interstate and beyond, despite the limiting WHO regulations in place at the time.

There are specific characteristics of SARS (and they seem to happen in the context of other communicable diseases) that make possible the creation of a conducive political environment to the specific goal of achieving disease control. SARS in 2003 was a new “virus [that] spread efficiently by respiratory means” from person-to-person. There was no diagnostic, therapeutic, or vaccine technologies available. The speed and volume of air travel as a force of globalisation was increasingly high and a “global havoc” was generated by new infectious diseases imprinting a sense of urgency in powerful authorities. Finally, SARS posed a relatively unknown threat to lives and economies.<sup>109</sup>

---

<sup>106</sup> Heymann, above n 100.

<sup>107</sup> Fidler, above n 97, at 110.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid, at 1.

These characteristics of SARS reflect that GHG in high-profile communicable diseases has triggered responses based on a sense of emergency, rather than on a long-term interest in improving public health. This has shown mixed results ranging from successes in controlling isolated outbreaks, including the 2003 SARS outbreak, to impoverishing basic public health infra-structures, which were often encouraged to shift basic resources to specific epidemiological initiatives.<sup>110</sup>

### ***3.3 The HIV/AIDS Global Campaign***

The Global HIV/AIDS Campaign was able to undermine some of the challenges associated with the conflict between epidemiological versus basic care, and between short and long term health goals. Participation of transnational nonstate actors and international entities have been mediated by the UN via the Joint United Nations Programme on HIV/AIDS (UNAIDS). UNAIDS, in turn, has relied upon national programmes for delivery and for a discrete application of global social policy; national programmes have listened to and relied upon a range of civil society movements and organisations. These organisations advocated for the creation and distribution of antiretroviral drugs for all, often articulated as a realisation of the human right to health.

The HIV/AIDs global campaign is unusual because is said to have “effectively spearheaded a larger global health agenda” due to a combination of security

---

<sup>110</sup> Not all GHG attempts to control or eradicate epidemics have been successful, or successful everywhere. For instance, international and transnational support for HIV/AIDS control in Mozambique ended up disenfranchising local workers and local health facilities, exacerbating the problems of HIV/AIDS in the country. For more on the effect of disease control in Mozambique, see J Pfeifer “International NGOs in the Mozambique Health Sector: The Velvet Glove of Privatization” in Arachu Castro and Merrill Singer “Unhealthy Health Policy: a Critical Anthropological Examination” (AltaMira Press, Walnut Creek (California), 2004).

rationales (pushed by nation-states) and claims for social justice.<sup>111</sup> The HIV/AIDS movement benefitted from the advocacy of high-profile artists, fashion icons, progressives and thousands of other minority groups around the world, which not only brought awareness and compassion to the plight of HIV-positive individuals and those living with AIDS, but also demonstrated that HIV/AIDS was a major challenge to the world community as a whole. The HIV/AIDS movement also involved a material component, which provided disposable needles, condoms, distribution of antiretroviral drugs for many, public education, and other services to populations of many races and social classes. With its discursive and material components, the HIV/AIDS movement reflects the formation of global publics, and a growing demand for global public services that are able to respond to transnational claims.

UNAIDS, for example, has used transnational NGOS, national governments, and transnational drug companies to “build a health infrastructure that provides affordable drugs to insure that combination therapies are used appropriately.”<sup>112</sup> In fact, the HIV Drugs Access Initiative started as a pilot programme in which a few developing countries joined UNAIDS’s co-sponsors to make antiretroviral drugs more available to their population. UNAIDS has managed the effort that started in 1998 with the support of five pharmaceutical companies: Bristol Myers Squibb, Glaxo Welcome, Hoffmann La Roche, Organon Teknika, and Virco N.V. Meanwhile, national

---

<sup>111</sup> According to Garret citing Nelson Mandela, the HIV/AIDS social movement “understood as not permissible to watch “the poor of Harare, Lagos, or Hanoi to die for lack of treatment that were keeping the rich of London, New York, and Paris alive”). Laurie Garret “The Global Health Challenge” (2007) 86 *Foreign Affairs* 14, at 17-18.

<sup>112</sup> “Drug Companies, UNAIDS Make Drugs Available” (1998) 13 *AIDS Alert* <<http://www.ncbi.nlm.nih.gov/pubmed/11364863>>.

governments also joined the initiative by creating drugs advisory boards under their Ministers of Health. And non-profit companies acted as a “clearing house for placing orders for bringing drugs into the country as the channel for subsidies from companies.” UNAIDS’s role was not only to coordinate all actors and to decide which drugs were most needed, but also UNAIDS was responsible for providing part of the funding and logistical support.<sup>113</sup>

This 1998 pilot initiative became one of the pillars of the Global Aids response, which has helped millions of people to access treatment. In fact, providing “universal access to antiretroviral therapy for people living with HIV” by 2015 is a main goal of the current UNAIDS strategy.<sup>114</sup> While opening up access to treatment and drugs is one of the most important health interventions of the Global AIDS response led by UNAIDS, there are other specific health programmes targeting prevention. For instance, the WHO (one partner of UNAIDS) is conducting efforts for HIV prevention such as male circumcision, which is said to reduce in 60% the risk of heterosexually acquired HIV infection in men.<sup>115</sup> For instance, the WHO:<sup>116</sup>

... scaling up male circumcision programmes in the 13 priority countries of sub-Saharan Africa. As of January 2010, over 133 000 male circumcisions had been done in six countries providing data on service delivery.

---

<sup>113</sup> For more on this initiative, see the document issued by UNAIDS “Access to Drugs: UNAIDS Technical Update” (1998) UNAIDS Best Practice Collection < [http://www.unaids.org/en/media/unaids/contentassets/dataimport/publications/irc-pub01/jc111-accesstodrugs-tu01\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/dataimport/publications/irc-pub01/jc111-accesstodrugs-tu01_en.pdf)>.

<sup>114</sup> World Health Organisation, UNAIDS, and UNICEF *Towards Universal Access: Scaling Up Priority HIV/Aids Interventions in the Health Sector* (Progress Report, 2010), at ch 4.

<sup>115</sup> World Health Organisation “Progress in Scale-up of Male Circumcision for HIV Prevention in Eastern and Southern Africa: Focus on Service Delivery” HIV/AIDS (October, 2011) < <http://www.who.int/hiv/topics/malecircumcision/en/>>.

<sup>116</sup> World Health Organisation, UNAIDS, and UNICEF *Towards Universal Access: Scaling Up Priority HIV/Aids Interventions in the Health Sector* (Progress Report, 2010), at ch 3.

Yet the main strategy of the Global Response in regards to controlling HIV/AIDS is based on universal access to treatment. This demonstrates the affiliation of the Global AIDS response with the Millennium project and also with a tendency of the World Health Organisation to focus on drug provision. For instance:<sup>117</sup>

Several organisations in the UN family—notably WHO, UNICEF and the World Bank—have for many years had both individual and joint programmes to increase access to basic drugs in various parts of the world. As mentioned earlier, the WHO Action Programme on Essential Drugs (DAP) and UNAIDS are currently developing a joint UN action plan to improve access to drugs for people living with HIV/AIDS.

TB has also benefitted from emphasis on drugs distribution. The Global Drugs Facility (GDF) was created as a mechanism of the Stop TB Partnership. The Drugs Facility aims at increasing “access to high quality tuberculosis (TB) drugs,” and it is housed by the WHO headquarters in Geneva and “managed by a small team of the Stop TB Partnership Secretariat.”<sup>118</sup> The Secretariat is responsible for receiving expressions of interest from potential vendor-manufacturers, conducting evaluation of proposals, and coordinating purchases and distribution.<sup>119</sup> It is expected that the GDF may increase its jurisdiction to provide access to drugs to other highly infectious diseases and to improve child and maternal health.<sup>120</sup>

---

<sup>117</sup> UNAIDS “Access to Drugs: UNAIDS Technical Update” (1998) UNAIDS Best Practice Collection < [http://www.unaids.org/en/media/unaids/contentassets/dataimport/publications/irc-pub01/jc111-accesstodrugs-tu01\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/dataimport/publications/irc-pub01/jc111-accesstodrugs-tu01_en.pdf)> at 11.

<sup>118</sup> World Health Organisation “Global Drug Facility” (2011) Stop TB Partnership < <http://www.stoptb.org/gdf/>>.

<sup>119</sup> World Health Organisation “Global Drug Facility Releases Roadmap for Scale-Up of MDR-TB Treatment” (2011) Stop TB Partnership < <http://www.stoptb.org/gdf/>>.

<sup>120</sup> The Global Fund to Fight Aids, Tuberculosis and Malaria *Making a Difference: Global Fund Results Report 2011* (Geneva, 2011).



Finally, another mechanism related to global drug provision is the Global Alliance for Vaccination and Immunization (GAVI). GAVI has been crafting a global strategy for procurement and distribution of vaccines in order to reach children in need of immunization around the world, part in the developing world.<sup>121</sup> GAVI manages its own fund (the GAVI fund) and its own Geneva-based Secretariat.<sup>122</sup> GAVI is an innovative partnership that provides a range of services related to drug distribution, including immunisation strategy and policy, drug development, and worldwide delivery. It is a partnership that openly states its engagement with the functions of policy-setting and public service delivery. The partnership includes a range of actors, from the Bill and Melinda Gates Foundation, to national governments, research and health institutes, agencies of the UN family, and independent researchers. GAVI, through the alliance of a range of global and local actors, could work to reduce the gap between the opportunities to get vaccinated in the Global North and in the Global South, undertaking a type of world-equality activism that is part of an emergent global ethics.

The creation of a range of mechanisms to distribute drugs globally, following the success of the Global Aids response, demonstrates that aspects of drug provision have been relocated to the global level since the 1990s. Globalised aspects refer to the globalisation of essential medicines; medicines to control the spread of infectious disease; and medicines to increase the quality of life of those infected with high-profile diseases such as HIV/AIDS. Similar to GAVI's claim that vaccine intervention is a legitimised public equity

---

<sup>121</sup> "Supply and Procurement Strategy" (2011) The GAVI Alliance <[www.gavialliance.org](http://www.gavialliance.org)>.

<sup>122</sup> All the information on GAVI provided here can be found at "Who We Are" (2011) The GAVI Alliance <[http://www.gavialliance.org/about/in\\_partnership/index.php](http://www.gavialliance.org/about/in_partnership/index.php)>.

intervention, it is suggested that distribution programmes should be measured against their relationship with the promotion of “equitable public health intervention[s].”<sup>123</sup> By doing this, distribution of drugs can play a significant role in global public service governance. It is a robust example that specific delivery practices have been developed from the global level, especially after the 1980s, when HIV/AIDS called the world’s attention to pandemics. And, equally important, global drugs distribution represents a new form of public provision, given that global distribution schemes have been, in part, designed to address the shortcomings of the mainstream pharmaceutical industrial model and the lack of resources at the national level.

### ***3.4 Global Initiative to Eradicate Polio***

The objective of the Global Polio Eradication Initiative (GPEI) is the “production of polio eradication.”<sup>124</sup> Polio is a highly infectious, person-to-person disease.

The global campaign to eradicate polio has included a range of actors: from governments, to the American Civil Rights Movement, to a global mobilisation of local Chapters of Rotary Club International.

GPEI has been documented as an effort “correlated inversely with a country’s income,” requiring “massive and sustained efforts over a 5-10 year period.”<sup>125</sup> The “production” of polio eradication involves the private sector, through the donation of personnel, vehicle, and money to assist in mass vaccination. It also

---

<sup>123</sup> Ibid.

<sup>124</sup> “Polio and Prevention” (2010) Global Polio Eradication Initiative  
<<http://www.polioeradication.org/Polioandprevention.aspx>>.

<sup>125</sup> Ibid.

includes a global network to collect data and to standardise laboratory practices, especially in diagnosis.<sup>126</sup>

Rotary is considered to be one of the most remarkable of all polio eradication partners, including the WHO, UNICEF, and governments. Rotary helped vaccinate millions of children around the world. In very few countries the disease re-emerged or has remained endemic: Afghanistan, India, Nigeria and Pakistan.<sup>127</sup> Accordingly:<sup>128</sup>

Rotary International, the private sector service organisation, which has played a central role in this global initiative through its “PolioPlus” Program and 1.2 million volunteers worldwide. Rotary has not only been central to the mobilisation of financial resources from donor governments, but will also have contributed nearly US\$ 600 million of its own resources by the end of 2005.

The classification of Rotary, if public or private, in this global effort is relevant. Rotary is generally considered a voluntary charity with influence in several public sectors. Rotary chapters all over the world generally represent privileged groups united to promote a social agenda that is agreed upon by its members. In this context, Rotary’s operations are of a private nature. Rotary’s chapters, in the context of GPEI, however, have played a very important global public role, which should be more widely acknowledged. One of the main advantages of this type of recognition is to expose the political responsibilities that should be attached to these types of roles. Rotarians all over the world voluntarily joined GPEI and contributed enormously to its

---

<sup>126</sup> BR Aylward and others “Polio Eradication” in R Smith and others *Global Public Goods for Health: Health Economic and Public Health Perspective* (Oxford, Oxford University Press, 2003) 33 at 37-38.

<sup>127</sup> “Infected Countries” (2010) Global Polio Eradication Initiative <<http://www.polioeradication.org/Infectedcountries.aspx>>.

<sup>128</sup> “Spearheading Partners” (2010) Global Polio Eradication Initiative <<http://www.polioeradication.org/Aboutus/Partners/Spearheadingpartners.aspx>>.

success. Yet the debate about the responsibilities of Rotarians, and other people doing similar work in the public realm, deserves more attention. Rotarians, and other volunteers, engage in governance acts without discussing possible political and legal implications.

A pattern in the work of GHG actors, especially those mainly built around volunteers, can be inferred from the analysis of governance in communicable diseases: there is a general lack of awareness by private charities of the global public role they play; of the responsibilities acquired by actors performing public functions. Although the exact implications of these roles are not well-known, there is a self-explanatory character of public activities that can serve as guidance.

When the campaign for the eradication of polio started in the United States, many people perceived the private foundation that led the campaign efforts as public, and the perception encouraged donations.<sup>129</sup> Today, I speculate that most people would consider that, for example, the Red Cross performs a public function, if not perceived as a public entity.<sup>130</sup> These wide perceptions of publicness could serve as guidance to define what roles and actors should be reconsidered under a global public perspective.

---

<sup>129</sup> Bernard Seytre and Mary Shaffer “The Death of a Disease: a History of the Eradication of Poliomyelitis” (Rutgers University Press, New Jersey, 2005) at 69.

<sup>130</sup> Further research is needed to understand how non-profit organisations, such as the Red Cross, are perceived. For instance, in many countries, the Red Cross provides the majority of plasma-related services and ambulances services while in others it does not. This difference in country-to-country provision generally causes misunderstandings about the medical services that the Red Cross offers or does not offer. Scholarly and non-scholarly information already available today may support this (for now) unsubstantiated claim that many people do think the Red Cross is a public organisation; this would have important consequences for funding support, expectations, and levels of trust. For more information on how the Red Cross is perceived as a non-profit entity see H Hansmann “The Role of Nonprofit Enterprise”, 89 Yale Law Journal. (1980) 843.

As argued in the first chapter, global public status entails prerogatives of participation in acts of social governance, but it should also entail political and economic responsibilities. A discussion of global public function and status of global charities like Rotary and the Red Cross could impact the ways in which local divisions and chapters set their agendas and organise social services around the world, like immunisation and others related to the campaign against Polio.

Polio eradication has yet to be globally achieved. Four countries still remain endemic and the disease has found its way again to re-emerge in other poor nations.<sup>131</sup> This fact, I argue, does not impair the status of GPEI as an important global governance mechanism. Although GPEI is yet to achieve global eradication, it can be considered ground-breaking, from a governance perspective. It is a broader effort when compared to the SARS effort. Despite its relative success and massive participation of volunteers, the global effort has failed to address the polio needs of some non-Western, least developed countries.

The countries that continue to suffer with polio are countries that also suffer with stereotypical images of poverty and cultures as more or less prone to infectious diseases.<sup>132</sup> This is true, for instance, in regards to India, a country

---

<sup>131</sup> According to the GPEI: “Polio remains endemic in four countries – Afghanistan, India, Nigeria and Pakistan – with a further four countries known to have (Angola, Chad and Democratic Republic of the Congo) or suspected of having (Sudan) re-established transmission of poliovirus. Several more countries had ongoing outbreaks in 2010 due to importations of poliovirus. GPEI “Infected Countries” (2010) <http://www.polioeradication.org/Infectedcountries.aspx>.”

<sup>132</sup> Anthony Lemiux and Felicia Pratto explain that “...poverty is potentially stigmatizing because stereotypes of and prejudice against people who have features associated with poverty (e.g., lack of hygiene, illness and disease, hard manual labor, lack of education) are both common. The authors also explain that “the way people assign and distribute things of value

that has suffered with both neglected diseases, including polio, and pervasive stereotypes related to poverty. This fact reinforces the idea that in order to achieve more effective forms of global governance, one needs to understand and deconstruct stereotypes that circulate at the global level. Arguably, a larger debate about framing diseases (as of the poor, or the rich; the white or non-white; the immigrant or resident) may facilitate action towards eradicating polio once and for all. The importance of breaking stereotypes, which relate to poverty and sickness, for global health governance is discussed later in this chapter. In a nutshell, studies about how perceptions and stereotypes inform decision-making (called *framing* studies) matter because they can assist social governance actors to choose governance priorities and set agendas more equitably.

### ***3.5 The Global Campaign to Stop TB***

The global campaign against TB is a product of the ideological and technical transformations of the 21st century. Leading partners have been influenced by cosmopolitan and social justice discourse, and have openly addressed ethical issues, considering absurd that until the year 2000, two million people per year still died of TB.<sup>133</sup>

TB has recently been chosen as the object of a global campaign, in spite of 1990s WHO's top-down efforts, via which a number of developing countries

---

depends upon" the social relationships held between groups, which are significantly defined by stereotypical images of who are and should be the poor. Anthony Lemiux and Felicia Pratto "Poverty and Prejudice" in SC Car and TS Sloan *Poverty and Psychology: from Global Perspective to Local Practice* (Kluwer Academic/Plenum Publishers, New York, 2003) 146, at 147.

<sup>133</sup>“World TB Day: Two Million People Die Each Year; Drug Resistance is Growing” (press release, 2000) Doctors Without Borders

<<http://www.doctorswithoutborders.org/press/release.cfm?id=537>>.

were selected to receive internationally developed treatment schemes.<sup>134</sup> When WHO was addressing TB cases outside of a partnership format, its interventions fell short of attending the needs of patients contaminated with both HIV/AIDS and TB, and also of those who were contaminated with multiple-strain TB, a drug-resistant form of TB.<sup>135</sup>

WHO's Directly Observed Treatment with Short-course Chemotherapy (DOTS) in developing countries transitioned from a vertical strategy to being a part of a broader campaign, in which several actors pulled resources together to control TB. DOTS started as a classic example of the WHO undertaking "vertical" interventions within countries. Bi-lateral agreement between the WHO and one affected country proved to be insufficient to control TB, despite of its localised success. Until the beginning of this century, worldwide, half of the individuals in need were still not receiving treatment, even though DOTS had proven to be more effective than the treatment made available by national systems.<sup>136</sup> The successes and limitations of DOTS, as policy and provision, led the WHO to expand its TB work by forming the Partnership to Stop TB. In 2006, a global campaign to stop TB was already in full motion. DOTS continues to be the heart of the Stop TB Strategy.<sup>137</sup> DOTS encompasses sustained financing, case detection and bacteriological monitoring,

---

<sup>134</sup> World Health Organisation and Stop TB Partnership *Actions for Life: the Global Plan to Stop TB* (World Health Organisation, 2006), at Introduction .

<sup>135</sup> JY Kim and others "Tuberculosis Control" in R Smith and others *Global Public Goods for Health: Health Economic and Public Health Perspective* (Oxford, Oxford University Press, 2003) 33 at 55.

<sup>136</sup> Ibid, at 60.

<sup>137</sup> World Health Organisation "Pursue High-Quality DOTS Expansion and Enhancement" (2011) Tuberculosis < <http://www.who.int/tb/dots/en/>>.

standardisation of treatments, patient support, an effective drug supply and the management of drug distribution, evaluation and impact measurement.<sup>138</sup>

At the outset, and now as part of the Stop TB campaign, WHO promotes DOTS through five principles, all of which denote a high level of concern for TB as a collective health issue:<sup>139</sup>

WHO, other UN bodies, and private organisations harness government commitment and funding to sustain TB control activities.

WHO and nation-states lead case detection ... among ... patients self-reporting to national health services...

WHO, NGOs, and States provide and administer standardized treatment regimens lasting at least 6-8 months..., with directly observed treatment for the initial 2 months.

WHO and the Global Fund secure a regular, uninterrupted supply of all essential anti- TB drugs.

WHO is responsible for standardized recording and reporting system ... (citation omitted)

Through these five principles, the WHO-led Partnership has been successful in reducing mortality and morbidity among patients. It has also contributed to weaken the chain of TB transmission. According to Kim and others, the Achilles' heel of DOTS (before managed by the WHO-led partnership) was that it had not been implemented fast enough, reaching only 27% of the individuals affected by the disease by 2003.<sup>140</sup> Before 2003, DOTS was vertically provided by the WHO, representing a traditional international service. Then, it moved to rely on a global partnership model, engaging more actively with principles of self-steering. With the partnership model, the

---

<sup>138</sup> Ibid.

<sup>139</sup> Above n 135, at 60.

<sup>140</sup> Ibid, at 60.



WHO capacity to carry DOTS forward has been significantly enhanced by a range of private actors and IGOs that are now part of the Partnership.

DOTS as a global social policy relates to the three spheres of UN public service action identified in Chapter 2. It involves UN policy-making (designing campaign strategies like the inclusion of nonstate actors in the process); delivery (the chemotherapy treatment); and the influencing of national health administration (actively engaging the State in the containment and monitoring of the disease).

From a historical perspective, DOTS is also important because it highlights the insufficiency of traditional (national and international) public responses, and the capacity of global partnerships to fill the gap. To what extent this is effective, and how much global publicness the Stop TB campaign will be able to materialise can only be observed over time. For now, it is important to highlight that the transition from an international to a global project has yielded positive results.

The Partnership has been significantly more effective than WHO's vertical policies in its capacity to design and implement policies for countries where the *M.Tuberculosis* has become resistant to drugs (drug-resistance strains).<sup>141</sup> For those countries, DOTS requires 12-24 months of a costly treatment that neither the WHO's budget nor the country's budget alone can afford or execute. Hence, the most important accomplishment of the TB Partnership has been to bring resources together to address the needs of patients contaminated by drug-resistance strains. This has proved to be impossible under international or national governance frameworks.

---

<sup>141</sup> World Health Organisation and Stop TB Partnership, above n 134, at 14-17.

From 1998 to 2004, WHO complemented its DOTS programme with modest policy guidance to poor countries learning how to deal with multiple-strain contamination. Before 2004, concerns with costs prevented global TB efforts from emerging. The vertical approach that guided TB control until 2004, similarly to the securitist approach used in the SARs context, yielded limited but positive results in terms of offering better treatment and controlling the disease in specific countries. Although DOTS has been considered “one of the soundest interventions of any kind for countries struggling to pull themselves out of poverty,” DOTS proved to be insufficient to stop TB when executed outside of a global governance framework.<sup>142</sup>

Today, the partnership relies upon DOTS as a service strategy and DOTS continues to rely heavily upon the WHO. Nevertheless, it is now part of a global campaign. The WHO provides strong leadership in this area by offering services itself and coordinating several types of actors working on the ground, in governments, trans and internationally to stop TB.<sup>143</sup> More importantly, the Partnership to Stop TB demonstrates that public service processes can indeed be generated by the global level and benefit from a concept of public service that involves actors other than States and IGOs. While preserving important roles for the nation State and international organisations, as key partners (often mediators) in global public service governance, the Partnership has been concerned with creating links between its work, and a new type of publicness.<sup>144</sup>

---

<sup>142</sup> Kim and others, above n 135, at 60.

<sup>143</sup> World Health Organisation and Stop TB Partnership, above n 134.

<sup>144</sup> Ibid, at 26.

The 2010 Report of the Sixth Meeting of the Subgroup of Public-Private Mix (PPM) for TB Care and Control<sup>145</sup> showcases the depth of the Partnership, which counts with a range of organisations, from grassroots to the Global Fund, and individuals from entertainers to civil volunteers taking TB control to diverse sectors of society. For example, the report argues that the size of PPM in TB control is yet to be fully measured. Its wide reach, however, is already a fact:<sup>146</sup>

Countries in the South-East Asian Region have been able to successfully involve hundreds of public, private, voluntary and corporate institutions and thousands of individual providers in TB care and control. Social security organisations are major collaborating providers of TB care in the Region of the Americas. In the European Region, prison health services play an important role in TB care delivery and also, PPM is seen as a key instrument to improve treatment success by ensuring patient-centred care. Almost all countries have been using ISCT [International Standards for Tuberculosis Care].

With this large amount of innovation and actors involved in TB control, the PPM subgroup of the Partnership has highlighted that “combining collaboration with regulatory approaches may help in more effective and faster” PPM interventions.<sup>147</sup> The regulatory approach includes WHO’s International Standards for Tuberculosis Care (ISTC) and also complementary methods championed by States, such as “restricting access to anti-TB drugs as done in Ghana, Tanzania and Brazil” in order to control when these drugs should be used; requiring certification and accreditation of care providers linked to national systems or insurance providers; and requiring mandatory

---

<sup>145</sup> Ibid.

<sup>146</sup> Ibid, at 2.

<sup>147</sup> Ibid, at 3.

notification of TB cases.<sup>148</sup> This approach, which has been pushed by the private actors themselves, recognises the publicness of the same actors' activities and initiates the construction of a public structure, not only to regulate, but to hold together the global public service of TB control, whose main objective is "progressing towards universal access to quality TB care."<sup>149</sup> In fact, this mix of collaborative with regulatory concern is a material illustration of how some public services will be managed in the future. Hence, one of the recommendations of the PPM subgroup to Ministries of Health is to introduce and document the above-mentioned complementary mechanisms. In this fashion, accreditation of private providers, TB case notification, and restricting anti-TB drugs to be sold only to authorised care providers are policies that suit well the global public sector and that have already been initiated by members of the global Partnership.

The Partnership took on TB control and improved it. As it moved control from the international to the global level, from the traditional global public domain to the re-constituted global public domain, it divided tasks and expanded services.

Since successful TB control depends upon transnational TB treatment schemes, delivery efforts concerning TB have been largely dealt with by actors other than the State or its international envoys. Global actors were able to see TB in a more holistic way, targeting various strains of TB, carrying forward longer treatments, and also applying a more structural view of the disease,

---

<sup>148</sup> Ibid.

<sup>149</sup> Ibid, at 3.

using an approach that considers the social determinants of health (SDH).<sup>150</sup> Second, the expansion of DOTS towards a global campaign is in fact a convergence of “political commitment, surveillance, prevention and treatment.”<sup>151</sup> The Partnership, by Expanding DOTS and creating a partnership for policy and delivery, increased the global publicness of its policy responses. Today, it reaches more people more effectively, while it still remains connected with the WHO, and the traditional public powers that entail from its inter-state affiliation. These powers remain important and contribute to enhancing publicness in TB control.

The Partnership, however, goes beyond inter-state powers. For example, it relies extensively on the Global Fund to Fight Aids, Tuberculosis and Malaria and on the Gates Foundation for financing the expansion of DOTS.<sup>152</sup> The variety of agents involved with TB governance is another characteristic of the change in approach to TB control, from vertical international intervention to a global partnership approach.

### ***3.6 The Alma Ata Framework and Primary Health Care***

The Alma Ata Declaration has been considered a blueprint for effective global health governance for the 21st century.<sup>153</sup>

The Declaration of Alma Ata recognises health as a fundamental human right, enforceable by the nation-state; it considers people as the “prime movers for

---

<sup>150</sup> Social determinants of health are defining circumstances in which people are born, grow, work and age, including the health system. Social determinants will be further discussed in the next section.

<sup>151</sup> Kim and others, above n 135, at 63.

<sup>152</sup> Kim and others, above n 135, at 65.

<sup>153</sup> Debabar Banerji “Reflections on the Twenty-Fifth Anniversary of the Alma-Ata Declaration” (2003) 33 at 33.

shaping their health services”; it sees public health linked to various other social issues and constituted by areas such as water, housing, sanitation and nutritious food.<sup>154</sup> Alma Ata considers that health involves promotive, preventive, curative, and rehabilitative components. According to Alma Ata, health services need to be universal and reaching the underserved. They need to use medical technology that conforms with cultural, social, economic, and epidemiological needs of the affected population; they need to use essential drugs in generic form in order to avoid that medicine becomes a threat, rather than a resource to preserve life and quality of life.<sup>155</sup>

In fact, the content of Alma Ata seems to match well with a vision for public health which is based on social determinants of health.<sup>156</sup> The Alma Ata model devolves health jurisdiction to local communities, and approaches health as an ethical challenge that goes beyond absence. It also engages little with quantification of health, preferring socially-embedded methods.

The socially-conscious prescriptions of Alma Ata, a document that was a “watershed in the concepts and practices of public health as a scientific discipline” were a result of the welfare ideology and power alliances that were forming throughout the 1970s.<sup>157</sup> Alma Ata commitments did not survive the “sea change in national and international” power equations though. The end of the Cold War and the increasing influence of the Bretton Woods system reduced the Health For All agenda to a few basic care policies “on the basis of

---

<sup>154</sup> Banerji, above n 153.

<sup>155</sup> Banerji here refers to Ivan Illich’s argument about the *medicalization of life*. Debabar Banerji “Reflections on the Twenty-Fifth Anniversary of the Alma-Ata Declaration” (2003) 33 *International Journal of Health Services* 813, at 814. Banerji here cites Ivan Illich in his argument about the *medicalization of life*.

<sup>156</sup> See above n 150.

<sup>157</sup> *Ibid*, at 813.

virtually no scientific data.”<sup>158</sup> Alma Ata is now more than 30 years-old. Just recently it was revisited by academics and by the WHO’s renewed effort on Primary Health Care (PHC), which was launched in virtue of the 2008 World Health Report.<sup>159</sup> Upon launching the 2008 World Health Report, an annual publication of the WHO, its director, Dr. Margaret Chan, explained the meaning of a PHC approach. In her words: <sup>160</sup>

Primary health care is a people-centred approach to health that makes prevention as important as cure. As part of this preventive approach, it tackles the root causes of ill health, also in non-health sectors, ... .

According to Dr. Chan, a PHC approach is needed “now more than ever” both because the world is going through a financial, fuel and food crises with great impact on health and because gaps in health outcomes within and between countries are greater than in 1978. This is true, despite the progress that health in general has made in aggregate terms, for instance, elevating life expectancy in seven years.<sup>161</sup> Also, Dr. Chen reinforces that the current trends in health governance follow a policy of commercialisation of health. She warns to the fact that society should not repeat the mistakes that were made in public health dealt with as a domestic issue; she is in fact warning of the failures of governance as it has played out in the national terrain.<sup>162</sup>

---

<sup>158</sup> Ibid, at 816.

<sup>159</sup> World Health Organisation, 2008 World Health Report: Primary Health Care: Now More than Ever (2008) [“World Health Report”].

<sup>160</sup> World Health Organisation “World Health Report Calls for Return to Primary Care Approach” (press release, 14 October 2008).

<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

In the recession that followed the Declaration of Alma-Ata, major mistakes were made in restructuring national budgets, with reductions in health and other fundamental social services. Health care has still not recovered from these mistakes, and the bill has been extremely high. This is especially true in sub-Saharan Africa, but also in large parts of Latin America and Asia. If history tends to repeat itself, can we not at least learn from the past and avoid repeating mistakes? ... But health systems will not automatically gravitate towards greater fairness and efficiency. This world will not become a fair place for health all by itself. Deliberate policy decisions are needed.

It seems that, discursively, Dr. Chen implies that the global level is implicated in assisting States to restructuring, while also contributing, on its own right, to a better redistribution of health.

By reading about the WHO's recent embracing of primary health concerns, it is possible to detect a few trends in terms of scope and division of labour that not only revisit the Alma Ata framework, but also expand it.<sup>163</sup> The first trend refers to certain elements of the public health apparatus that seem to be more easily migrated to new public arenas, built outside of governments and recognised as such (i.e. routine vaccination.) A second trend relates to very specific areas in which there is a roll-back of the State in health. In this regard there is an effort by national and international organisations to increase government provision at the community level by implementing health programs related to family care (e.g. reinvigorating the image of the family's doctor).<sup>164</sup> While these suggestions are scattered in the health literature, they

---

<sup>163</sup> For instance, the WHO, launched a noncommunicable diseases country profile report in 2011, in preparation for the high-level meeting on noncommunicable diseases that occurred in New York City, in 19-20 September 2011. It is the first meeting of this kind. World Health Organisation "Noncommunicable Diseases Country Profile 2011" (2011) Noncommunicable Diseases and Mental Health < <http://www.who.int/nmh>>.

<sup>164</sup> World Health Organisation "World Health Report Calls for Return to Primary Care Approach" (press release, 14 October 2008).



are seldom based on evidence or structured deliberation. A better understanding of the scope of activities and of the division of labour among global actors, including WHO partners, is needed, especially because the focus of health governance gradually expands towards primary health care.

Many mechanisms of global governance in PHC are related to the work of transnational organisations such as the Red Cross, religious networks and Doctors without Borders, especially working to promote access to medicines or medical care to those in need, within or outside humanitarian catastrophes.<sup>165</sup> In addition, transnational PHC also originates at the grassroots level, where organisations often absorb functions that should generally pertain to governmental programmes, when these government structures have their capacities diminished.<sup>166</sup> In fact, in some countries, FBOs provide up to 70% of a country's health care.<sup>167</sup>

These facts expose both the importance and the complexity of frameworks like Alma Ata, which are able to bring the diversity of public health needs under a long-term vision of both preventative and curative strategies. Alma Ata, nevertheless, is a framework that, albeit available, will have to be revisited to involve different levels of governance, governments and individuals. It will have to be revisited to include the range of actors that are now involved with public health. While Alma Ata has not been used as much as it should, it can be used today as background for the crafting of a much-needed, broader framework for health governance.

---

<sup>165</sup> World Health Organisation, "World Health Report", above n 159.

<sup>166</sup> Sarla Chand "Why TB is Not a Key Agenda for Implementers: What is Missing?" (paper presented to the IMA World Health, 2010).

<sup>167</sup> Ibid.

#### *IV Facilitating Global Governance: Intrinsic Characteristics in the Field of Health*

The abundance of GHG actors, mechanisms and policies has not happened by chance. It is a result of a historical battle for universal health and for securing wellbeing. There are intrinsic characteristics of global health as a policy-field that, arguably, facilitate the development of relatively successful global governance frameworks. These characteristics may have the potential to enhance global publicness of GHG policy responses.

The list of characteristics discussed below is not supposed to be exhaustive. Rather it is indicative of specific characteristics that function as incentives for collective action, likely making the field a more conducive environment for successful global social governance frameworks to come forward. For instance, the consolidation of GHG as its own disciplinary genre is first in the list. Theoretical work includes a range of concepts that have guided practitioners and significantly advanced more effective forms of health governance on the ground.

##### ***4.1 Consolidating GHG as an Academic Discipline***

In public health, there is a robust body of literature accounting for new processes and developing new theory in respect of governance practices occurring beyond, or in partnership with, the State. The new processes observed generally engage with disease-specific challenges; more recently, scholars have also observed global changes in respect of basic care for all.

Global health is a broad theme that (differently from global education) already enjoys a disciplinary home. Together with the creation of institutions and

mechanisms of global health, multi-disciplinary research engendered the formation of GHG's own field. The body of work conducted under the rubric of "Global Health Governance" or "global governance for health"<sup>168</sup> is both a signal of growth and a source of influence of global health governance as applied to real situations on the ground.

Scholars look at roles played by global actors working in public health and frequently take on advocacy positions.<sup>169</sup> For example, they are concerned with the realisation of the individual and collective right to the best attainable standard of health, or with the roles played by the World Health Organisation (WHO) and its public-private partnerships for health (PPP), or with the larger presence of private philanthropy and the pharmaceutical industry in public health.<sup>170</sup>

Accordingly, academics identify two main uses of GHG:

1) governance with a focus on communicable, infectious diseases, especially Emerging and Reemerging Infectious Diseases (EIDs,) which include both high-profile diseases such as HIV/AIDS and so-called "neglected diseases" – those that disproportionately affect the poor.<sup>171</sup> Governance that focusses mainly on high-profile pathogens is said to adopt a securitist approach to health (also called securitism).<sup>172</sup>

---

<sup>168</sup> For more information on the general health impacts of globalisation, see Kelley Lee, *Health Impacts of Globalisation: Towards Global governance*, Global issues (Palgrave MacMillan, New York, 2003).

<sup>169</sup> Pogge, above n 68, at 221-261.

<sup>170</sup> BM Meier and L Mori "The Highest Attainable Standard: Advancing a Collective Human Right to Public Health" (2005-2006) 37 Columbia Human Rights Law Review 101.

<sup>171</sup> Pogge, above n 68, at 236.

<sup>172</sup> Cooper, Schrecker, and Kirton, above n 8, at 78.

2) governance with a focus on Health for All, with primary care associated with development policies.

Within these two broad areas, global health scholars have developed important conceptual tools.

#### *4.1.1 GHG Conceptual Tools: High Level of Applicability*

In the context of both communicable diseases – high-profile or neglected epidemics – and, more recently, in the context of primary care and Health For All, academics have developed conceptual and analytical tools of high practical applicability. Below, I showcase a few conceptual and analytical tools that have fuelled academic debate and engagement with GHG research and practice.

##### 4.1.1.1 Global Burden of Disease (GBD)

An emerging ethics of GHG has increasingly informed global cooperation and has contributed to transforming the field into a more conducive environment for global governance.<sup>173</sup> Global health ethics has contributed to the creation of important analytical concepts, including the Global Burden of Disease (GBD).

GBD is the disease burden disproportionally carried by poor countries and its poorest inhabitants (also called the 90/10 divide.)<sup>174</sup> Scholars point out that there are two main ways of dealing with GBD that are preferred by

---

<sup>173</sup> See generally Benjamin M Meier and Larisa Mori “The Highest Attainable Standard: Advancing a Collective Human Right to Public Health” (2005-2006) 37 Columbia Human Rights Law Review 101; and see Allyn Taylor “Governing the Globalisation of Public Health” (2004) 32 The Journal of Law, Medicine and Ethics 500.

<sup>174</sup> “The Global Burden of Disease Project” (2010) The World Health Organisation, <[http://www.who.int/healthinfo/global\\_burden\\_disease/about/en/index.html](http://www.who.int/healthinfo/global_burden_disease/about/en/index.html)>.

practitioners, such as global philanthropists: 1) eradication of severe poverty and 2) access to vaccines, cures and treatments.<sup>175</sup> GBD has been used to rank where diseases have been neglected and which actions are more urgent. Polio has been one of the diseases analysed through a GBD perspective.<sup>176</sup> GBD analysis is predominantly quantitative. The burden of polio, for example, has been disproportionately larger in South Asian and Sub-Saharan countries. Millions of poor people die each year from preventable, treatable or curable diseases like polio.<sup>177</sup>

Although GBD has been an useful concept, it is a complicated discourse. The discourse about global burdens carries an uncomfortable mix of ethics with quantification of disease suffering, places and peoples. A mix of economic, securitist, and ethical reasoning has permeated much of the discourse about global burdens of disease.

A justification found on the website for the Global Campaign to Eradicate Polio (GPEI) is illustrative of the economic/ethical mix that surrounds justification for global action in health:<sup>178</sup>

---

<sup>175</sup> See the Bill and Melinda Gates Foundation Global Health Programme, which “harnesses advances in science and technology to save lives in poor countries. ... We focus on the health problems that have a major impact in developing countries but get too little attention and funding. Where proven tools exist, we support sustainable ways to improve their delivery. Where they don’t, we invest in research and development of new interventions, such as vaccines, drugs, and diagnostics.” In “Programmes and Partnerships: Global Health Programme; What We Do” Bill and Melinda Gates Foundation (2011) < <http://www.gatesfoundation.org/global-health/Pages/overview.aspx>>.

<sup>176</sup> For an example of how GBD is measured quantitatively, see World Health Organisation “Global Burden of Poliomyelitis in the Year 2000” (2000) Global Programme on Evidence for Health Policy < [http://www.who.int/healthinfo/statistics/bod\\_poliomyelitis.pdf](http://www.who.int/healthinfo/statistics/bod_poliomyelitis.pdf)>.

<sup>177</sup> Ibid.

<sup>178</sup> “Global Polio Eradication Initiative, April 2010” (2010) The World Health Organisation Regional Office for Africa <[http://www.afro.who.int/index.php?option=com\\_content&view=article&id=2290&Itemid=2669](http://www.afro.who.int/index.php?option=com_content&view=article&id=2290&Itemid=2669)>.

In 2010, only four countries remain polio-endemic. This has prompted some to propose that the eradication goal should be replaced by one of ‘effective control’. However, economic modelling studies have demonstrated both the financial and humanitarian benefits of polio eradication. ...

The investment in polio eradication pays major dividends beyond preventing millions of polio cases. For example, the investment in polio has helped avert 1.25 million deaths through vitamin A supplementation and 2.3 million deaths through measles mortality reduction activities. Investing in eradication will facilitate the continued integration of the polio infrastructure and operations with other activities.

This ethical-economic mix is carried into the concept of GBD and has informed policy-making and grant-making in the area of health.<sup>179</sup>

The principle of GBD, although sharing both an economic and an ethical component, may be understood from a structural perspective. Here lies an interpretation that may help a range of actors (from practitioners to activists) to expand the utility of GBD as an analytical concept and a policy strategy. Using GBD to explore structural causes of disease and poverty helps society to understand why and how disease develops more rapidly and severely in one country in comparison to another, and why and how it affects certain populations more than others.

Encouraging a structural view of GHG via GBD is an exercise that private foundations, such as the Bill and Melinda Gates Foundation, have engaged with. Also, racial justice advocates have longed engaged with public education campaigns to “reframe” the discourse about what causes disadvantage and

---

<sup>179</sup> For an example of how GBD has informed global health policy and action see above n 174 and 176.

poverty.<sup>180</sup> Unfortunately, in the case of global burden of disease, many organisations, governments, and individuals do not assess that:<sup>181</sup>

...given that the poor bear the greatest burden of the disease, it then becomes equitable for health care projects, and health projects more generally for the indigent, to be supported by governments, and/or to appeal to donors and/or philanthropists to support projects ...

As a means to expose structural inequalities and promote redistributive action, GBD has great room to expand and potential to help global governance succeed. However, for this to happen, the structural origins of global inequalities and, hence, burdens need to be better understood.

#### 4.1.1.2 Social Determinants of Health (SDH)

Kelley Lee, in her analysis of GHG actors and mechanisms,<sup>182</sup> advances a view of Global health that is defined by social determinants of health (SDH).<sup>183</sup> SDH are:<sup>184</sup>

... the conditions in which people are born, grow, live, work and age, including the health system. These circumstances are shaped by the distribution of money, power and resources at global, national and local levels, which are themselves influenced by policy choices. The social determinants of health are mostly responsible for health inequities ...

---

<sup>180</sup> For more on racial justice attempts to frame and reframe affirmative action discourses, see Kimberlé Crenshaw “Framing Affirmative Action” (2007) 105 Michigan Law Review First Impressions.

<sup>181</sup> Gavin Mooney and Janet Dzator “Global Public Goods for Health: A Flawed Paradigm?” in Smith and others (eds) *Global Public Goods for Health: Health Economics and Public Health Perspectives* (Oxford, Oxford University Press, 2003) 233 at 233.

<sup>182</sup> Kelley Lee and others “Global Governance for Health” in Ronald Labonté and others (eds) *Globalisation and Health: Pathways, Evidence and Policy* (Routledge, New York, 2009) at 294-298.

<sup>183</sup> Ibid, at 294.

<sup>184</sup> Commission on the Social Determinants of Health “Social Determinants of Health” (2011) World Health Organisation < [\[289\]](http://www.who.int/social_determinants/en/>.”</a></p></div><div data-bbox=)

Adopting this view is particularly useful when it comes to constructing global publicness in GHG. SDH have been considered transformative instruments of GHG, since they focus on public health as a collective issue shaped by and shaping other social factors.<sup>185</sup> SDH is an important theoretical construction that reinforces the idea that the successes or failures of global social policy are dependent upon a myriad of social and economic factors. This structural perspective opposes an exclusively econometric view of health while pushing for a socially-driven reshape of the field. Lee explains that:<sup>186</sup>

...the nature of contemporary global governance relevant to SDH cannot be described as a system per se. Rather, it is a set of institutions evolving from a base established in the 1940s, through ad hoc changes determined by changing circumstances, historical precedent and ideological orientation, and the current and historical unequal distribution of power and resources.

SDH scholars initiated a debate about how institutional legitimacy for global health is based on attending to demands generated by particular circumstances of men and women living in community. These debates have informed some of the most traditional mechanisms of governance. For example, it has served to push changes within the WHO and has been responsible for the recent creation of the WHO Commission on the SDH.<sup>187</sup> The creation of the Commission is an indication that the global level has begun to reflect upon its social role, when engaging with a broad-range of issues directly or indirectly related to public health.

---

<sup>185</sup> Lee and others, above n 182, at 289.

<sup>186</sup> Ibid, at 302.

<sup>187</sup> See generally The Commission on the Social Determinants of Health “Social Determinants of Health” (2011) World Health Organisation < [http://www.who.int/social\\_determinants/en/](http://www.who.int/social_determinants/en/)>.



For instance, just recently the SDH approach has been developed, and there is still little discussion about GHG social causes and effects, empirically or normatively. A socially embedded view of health is deeply inter-related with global publicness (which deals with inclusiveness, openness, and political authority disseminated and legitimised by social interactions.) Therefore, the further the SDH approach develops, the better may be the possibilities for enhancing publicness at the global level.

But the SDH approach to health, which is intimately associated with a global public approach to health, is not the most predominant. Different discourses that prefer a biological approach to GHG heavily influence the study and implementation of GHG. GHG academics are especially divided between the SDH-types of approaches, and a more traditional biological school. The biological approach focusses on individual treatment and absence of disease. Individual treatment and absence of disease are recurrent themes in GHG, especially when it comes to the global governance of communicable diseases. The biological approach is preferred by governments and IGOs. However, the gradual interest in SDH shows that things are changing towards a perspective of GHG that is not only about absence of disease, but about the wellbeing of people in developing and developed countries.<sup>188</sup>

---

<sup>188</sup> One example of the gradual rise of the SDH approach is the success of the WHO Conference on Social Determinants of Health. The Conference brought together health ministers and officials from 125 member-states, representatives of the transnational civil society and high-level international officers, including WHO's Director-General, Dr. Margaret Chan. At the end, leaders drafted the Political Commitment on the Social Determinants of Health. World Health Organisation "WHO Conference on Social Determinants of Health" (2011) Programmes and Projects  
<<http://www.who.int/sdhconference/declaration/en/index.html>>.

#### 4.1.1.3 Biological approach

The biological approach to health is the most traditional. It has been influenced by neoliberal principles of individualism and state-minimalism, and had figured virtually alone in international health initiatives of the 1980s and 1990s.<sup>189</sup> In turn, it has also engendered many of the critiques against GHG, and also new scholarship and policy guidance, such as SDH. The backdrop of SDH critique to a traditional approach is the disease-specific focus adopted by the WHO in the 1990s.<sup>190</sup> Issues concerning SDH (as a theory) include the ability of a disease-specific approach to reproduce a sort of elitism that has plagued the provision of public services, and to fragment and weaken public, including WHO's, responses to health challenges.<sup>191</sup> The WHO discourse has recently become more sympathetic to SDH,<sup>192</sup> a framework that pushes for interventions not only in epidemic control, but also basic care and infrastructure, dealing with matters that are generally not treated as health-focus but that are vital, such as the provision of water.

Even if the discourse of the WHO is now more integrated and concerned with a holistic approach to health (a positive impact of the Millennium Declaration),<sup>193</sup> both the literature on global health and GHG policy still disproportionally focus on control of infectious diseases due to security risks.<sup>194</sup> This is a clear pattern that can be spotted in the literature. It reflects that at the discourse level there is an emergent concern with an integrated

---

<sup>189</sup> Lee and others, above n 182, at 289.

<sup>190</sup> Ibid, at 311.

<sup>191</sup> Ibid, at 304.

<sup>192</sup> Commission on the Social Determinants of Health, above n 184.

<sup>193</sup> World Health Organisation "World Health Report Calls for Return to Primary Care Approach" (press release, 14 October 2008).

<sup>194</sup> Garret, above n 111.

approach to health services, but health services are more likely to be developed on the ground when epidemiological disasters are about to, or have happened, following a biological approach. The WHO, following this tendency, has recently put in practice new services, new ways of working. However, the major focus is still specific communicable diseases. It is a focus that benefits the biological approach vis-à-vis other, more socially-embedded approaches.

#### 4.1.1.4 Global Public Goods for Health (GPGH)

Smith and others theorised on Global Public Goods for Health (GPGH) in 2003.<sup>195</sup> They took as a point of departure the seminal work of Kaul and others on global public goods and analysed them from a public health perspective. GPGH theory dissects the meaning of public health goods at the global level.<sup>196</sup> In addition, GPGH considers important public processes towards producing GPGH. These processes become global public goods themselves. According to Woodward and others, the two main GPGH are: the “prevention or containment of communicable diseases” and the economic externalities of ill or good health. Using these two broad categories, the authors divide GPGHs into three subcategories “knowledge and technologies,” “policy and regulatory regimes,” and “health systems.”<sup>197</sup> In this sense, the GPGH approach can be used to guide traditional development projects and international cooperation, as well as the creation of global governance mechanisms.

---

<sup>195</sup> R Smith and others, “Global Public Goods for Health: Health Economic and Public Health Perspective” (Oxford, Oxford University Press, 2003).

<sup>196</sup> Ibid, at 234.

<sup>197</sup> According to Smith and others “knowledge and technology” for health include understanding of health risks, preventive, diagnostic, curative and palliative interventions, and delivery systems. The authors define “health systems” as analogous to *access goods*: those goods that are means to an end. In this case, access goods are avenues to realizing public health. Ibid, at 243.

The classic example of global public good for health is the global eradication of a disease, such as what happened with smallpox and what has been attempted in the case of polio.<sup>198</sup> Achieving eradication generally requires a globally concerted effort.<sup>199</sup> In a sense, Woodward and others transformed the theory of global public good in regards to health by posing important questions related to access and quality, going beyond health technologies. Their main focus with GPGH theory is “whether, and how best, it can be used to advance the health of poor populations, especially those in poor countries.”<sup>200</sup> Since 2003, innovative governance interventions have used GPGH especially to think about global health beyond new microbes, and beyond research and pharmaceutical patents.

According to Smith and others:<sup>201</sup>

...their paradigm for GPGH can be used as a “framework focussed on the problems of, and possible solutions to, collective action at the global level. As such, it can unify often-disparate disciplinary approaches, such as the legal, economic, and medical. It also allows the presentation of a coherent argument to complement “traditional” aid, and as such may be a powerful tool for advocacy.

Finally, the authors signal that the global public goods debate needs to secure a space within “the wider array of international approaches to the funding and provision of health for the benefit of all.”<sup>202</sup> In this sense, the function of the global governance framework is similar to the function of GPG as constructed by Woodward and others in health. Accordingly, the concept of GPGH developed by these theorists is more closely associated with one that would

---

<sup>198</sup> Aylward and others, above n 126, at 36.

<sup>199</sup> Ibid.

<sup>200</sup> Smith and others, above n 195, at Preface.

<sup>201</sup> Ibid.

<sup>202</sup> Ibid.

suit global governance in public services. In this context, the acronym of GPGH refers to both the theory and also to goods, which exhibit “a significant degree of publicness (i.e. non-excludability and non-rivalry) across *national boundaries*.”<sup>203</sup> The authors defend that this concept will also diminish the problems with collective action, inferred as another component of the process of GPGH production. Hence, per se, the understanding and production of GPGH is a powerful tool, a means for the dissemination and practice of more public global governance.<sup>204</sup>

Although the concept of GPGH provides a better tool for global health governance than the traditional global public goods concept, it should not be used as a blue print to define GHG action. GPGH theory, in light of GPG theory, refrains from making an ethical assessment when defining what a global public good for health is. For example, Woodward, Smith, and Beaglehole suggest that GPGH concepts can only be applied to diseases of wide-spread territorial reach and risk for contagion. For example, they argue that controlling of malaria is not a global public good because it does not affect all countries. They define it as, at maximum, a regional public good, given that it is no longer a worldwide threat.<sup>205</sup> In this sense, the global approach follows a strictly territorial approach.

The interpretation of malaria as a global public good is preferred. The inclusion of Malaria as a priority of the Global Fund speaks to the fact that an ethical interpretation of malaria as a global public good has overcome a territorial interpretation. A complete framework that can guide a GHG priority

---

<sup>203</sup> Smith and others, above n 195, at 7.

<sup>204</sup> Smith and others, above n 195, at 8.

<sup>205</sup> Ibid, at 12.

area should go beyond the territorial criterion, but should look at structural causes of diseases, and the ethical questions that the incidence of certain diseases raise to the world community as a whole. In this regard, the combined use of the concepts of GPGH and global burdens discourse could be helpful.

Mooney and Dzator question the utility of global public goods theory pointing out two theoretical flaws in the current framework: 1) a welfarist base (in the sense of ‘charity’, and hence individually oriented) 2) a lack of concern for altruism.<sup>206</sup> As such, they argue that global governance is “one of the difficult issues” because one cannot define which sort of multi-actor government should produce GPGH, as well as “for which global public.” As it stands, the production of GPGH involves a myriad of private actors and goods, and the transition of these items to the “public domain” is not an easy one; for many it is not feasible. Mooney and Dzator defend that GPGH continues with the tradition of providing the poor with palliative frameworks. Frameworks like these might help the disadvantaged but at such a high cost that the benefit deteriorates or become marginal, especially in light of what could be achieved if a different framework were to be adopted.<sup>207</sup>

Although not absolute, GPGH matters as tools for better ranking of GHG issues. GPGH as a concept does not solve the main ethical challenges that face GHG but it has promoted advancements in the functioning aspect of partnerships, and in influencing the agenda of global health.

---

<sup>206</sup> Mooney and Dzator, above n 181, at 235.

<sup>207</sup> Ibid.

GPGH can assist, but it cannot solve complex issues of prioritization. Mooney and Dzator point out as the key argument to understand the limits of GPGH theory:<sup>208</sup>

The terms of trade whether it be in goods or in benefits (health and other) from GPGH, are set in a world of very unequal power or, what is the same thing, where the distribution of property rights is very firmly skewed in favour of rich countries. This is the key argument against free trade where free trade only equals fair trade if it is between more or less equal powers, or if there is altruism present in negotiations.

The laws of trade can be analogised with a charity approach to global public goods, where the rich will dictate the rules of the provision, if “caring and commitment are absent.” In the case of global public service governance, this is also the case. Mooney and Dzator argue for altruism as a vital component of a global health framework, which they defend need to be different from the flawed GPGH paradigm. It is flawed because “there is no thought of duty, or commitment ... the way forward is to build a caring world, and especially caring governments and caring institutions.”<sup>209</sup>

Although Dzator and Mooney’s arguments may sound idealistic, they are actually more realistic, and more modest, than of those that suggest specific global level action without assessing “altruism and caring.” They are more modest because, at this stage, they do not try to suggest an operational magic bullet, but rather they aim at promoting a dialogue for the politicisation of these issues; for a wider and more democratic debate about globalisations and global public health. For example, Dzator and Monney suggest that the theory

---

<sup>208</sup> Ibid, at 236-237.

<sup>209</sup> Ibid, at 237.

of GPGH may benefit from a non-consequentialist approach in reappraising the relevant value base.<sup>210</sup> Specifically, they suggest that:<sup>211</sup>

... the notion of a constitution for health services might be useful in this context, even if until now this has been seen purely in terms of individual's countries health services... Such constitution represents the value base on which the services might be built rather than the goals or objectives of the system.

GPGH is not a values-full theory (and one of the main demonstrators is that it follows first a territorial approach rather than an ethical one), and originally it does not embrace a structural view of social needs. But it has been used to build mechanisms of global governance that, eventually, have gone through a values-based assessment. For this reason, it is suggested that GPGH remains a useful concept which can, despite its insufficiency, create opportunities for society to debate how to promote public health for all and other global common interests.

#### 4.1.1.5 “Framing” in GHG

Only recently, “framing studies” emerged in GHG. Framing studies have become a relevant feature of a type of health constructivism that strongly impacts on global governance policy today. It has emerged within GHG in the last ten years and has been promoted by UNAIDS.<sup>212</sup> This sub-field of GHG is concerned with “what determines whether or not global health problems become global priorities?”<sup>213</sup> It is particularly relevant for the argument that

---

<sup>210</sup> Ibid, at 241.

<sup>211</sup> The authors suggest that this value-based construction is compatible with a more collective, communitarian view of the world. Ibid, at 241.

<sup>212</sup> Michael Sidibé, Sonja Tanaka and Kent Buse *People, Passion & Politics: Looking Back and Moving Forward in the Governance of the AIDS Response* (UNAIDS Global Governance Report, 2010) at Introduction.

<sup>213</sup> Ibid.



effective global governance depends upon a values-full assessment of ranking of global issues. Consequently it is particularly significant that GHG scholarship recently “drawing on earlier constructivist work on ‘framing’, has begun to examine precisely these issues and to develop more nuanced explanations of prioritization in global health.”<sup>214</sup> The ‘framing’ literature on GHG becomes relevant to this thesis to the extent it facilitates a better understanding of the manipulation of frames and its consequences for governance. It exposes the relevance of socially constructed images of things, goods, services, spheres (private and public) in decision-making.<sup>215</sup> I argue that there is a connection between frames and the formation of global publics, global publicness, and effective agenda setting in global public service governance.

For example, the way diseases are perceived and, consequently, framed demonstrates that global governance will always carry values into policy. The question is: which values are these? Values-full frameworks imply an ethical commitment to ending inequalities, and draw upon the human right to the highest attainable standard of health and broad social justice values that demand the end of discriminatory practices and stereotypes, which prevent patients from receiving equal treatment. The current values of global health governance may be those that reproduce stereotypes. Constructing new values is a long-term task.

Scholars studying ‘framing’ in GHG have contributed to exposing the effect of stereotypes and have claimed for the inclusion of egalitarian values in

---

<sup>214</sup> Ibid.

<sup>215</sup> Ibid.

governance. As a result, they have facilitated global governance that is more inclusive and more global public. Critical scholars in GHG have pointed out historical moments, in which stereotypes were broken and more effective governance frameworks, thus, established. The HIV/AIDS Global Campaign and the trajectory of efforts against Polio are two examples of these historical moments.

Today, the HIV/AIDS movement focusses on the regions where many still die of AIDS (Africa, South-East Asia and Latin America.)<sup>216</sup> The HIV/AIDS campaign has promoted a type of humanization of the patient that will likely benefit GHG in general. By humanizing the patient, some HIV/AIDS campaigns emerging from the Global South – perhaps also benefiting from their longevity – have been able to approach epidemic control in more holistic ways.<sup>217</sup> For instance, scholars observed during the Global Aids campaign an unprecedented use of human rights.

At the outset, factions of this movement portrayed HIV/AIDS as a disease of the gay community.<sup>218</sup> AIDS was linked to behaviour that was reproached by these same voices, hence unworthy of political and monetary investment. But HIV/AIDS was affecting communities that, despite discrimination and the burden of the disease itself, were able to mobilise and change the imaginary of HIV/AIDS. Making a similar point, Sidibé, Tanaka, and Buse, writing the

---

<sup>216</sup> Ibid.

<sup>217</sup> Ibid, at Latin America and Caribbean Section.

<sup>218</sup> Ibid, at 3-6.

introductory piece to the 2010 UNAIDS report in global governance, explain that.<sup>219</sup>

Global AIDS governance is messy, comprising a wide range of actors with competing interests and ideas. We give prominence to the role of ideas and beliefs given the importance that framing has played in positioning the AIDS response, conditioning perceived State interests<sup>i</sup> and perpetuating norms based on identity politics—in large measure due to the bio-political nature of HIV—but not going as far as fetishizing social constructivist approaches. (citation omitted)

It is possible to infer from their arguments that in the process of framing HIV contagion and AIDS treatment as concerns of all, global governance innovations were able to be put in place. Sidibé, Tanaka, and Buse list five most relevant elements of UNAIDS-led campaign as currently established:<sup>220</sup>

*... enhanced global political commitment and accountability for a health-related issue*

*... expanded political space for affected people, communities and civil society in the governance of a health-related development challenge*

*... realizing the slogan of 'health for all' through global commitment to universal access to HIV prevention*

*... the promotion of human rights beyond the right to health*

*... novel arrangements to the global health architecture.*

The report's list reinforces many of the points made in this thesis, especially in the first chapter, about global elements of publicness that should be involved in global governance. It includes the issue of politicisation, the empowerment of the affected communities as agents and their organisation into global public

---

<sup>219</sup> Ibid.

<sup>220</sup> Ibid (italics in original).

spaces, and the need to find a social justice platform around which the initiative can be mobilised (for example, human rights). It also includes the aspiration to work at the delivery level to secure access for all, thus complementing a human rights discourse with service provision. In fact, the list above, written in December of 2010, facilitates the positioning of global HIV/AIDS governance as one initiative that is gradually undertaking considerations of global publicness, even if they are not articulated as such. These concerns, which are generally lacking in other initiatives, showcase a recently-launched search for global publicness in global HIV/AIDS governance, albeit not named as such. In turn, the search for global publicness has been facilitated by transformations around the imaginary of HIV/AIDS “mainly driven by people living with or affected by HIV, that have remade the playing field for tackling other global challenges.”<sup>221</sup>

The global campaign to end Polio has also benefitted from grassroots activism, which has contributed to the evolution of its image. However, the Polio initiative, like the HIV/AIDS movement, experimented with a range of political and economic processes before reaching its current configuration. Polio became a global issue just recently. Hard battles were fought at the national context, especially in the United States, for Polio to be understood as it is today: a highly infectious disease that affects all and that needs to be eradicated in all corners of the world as soon as possible.

The changing ‘image’ of polio, from a disease that affected the poor to a disease that affected us all, has influenced global social policy in reference to polio eradication. As a result, the history of the global polio initiative becomes

---

<sup>221</sup> Ibid, at 3.

a classic example of how framing (in this case of a disease and of patients) is one of the most important determinants of how global governance in public services will take shape.

Eradication of polio in the format of a campaign that included many societal groups started in the United States. The history of polio eradication in the United States can assist in the assessment of important questions that eventually transcended United States borders.

The campaign against Polio in the United States was launched by President Franklin Delano Roosevelt.<sup>222</sup> Nevertheless, it was mostly private resources, funds and volunteers, that carried the campaign forward.<sup>223</sup> Private money funded research and pushed policy, while thousands of volunteers worked in health centres during national immunization days. Also, it was hard-fought battles on the ground that transformed the campaign into an inclusive effort, rather than a campaign motivated by a scared political elite (given Roosevelt's infection) and by pre-conceptions of who was susceptible to the disease and worthy of treatment. Finally, in the United States and in the world, the fact that polio was characterized as mainly a children's disease (rather than an adults' disease) helped to motivate a myriad of organisations, such as the Rotary International, the Red Cross, Doctors without Borders, and governments via the WHO and their national health care systems to engage with the campaign. All of these efforts contributed to construe an image that, eventually, would put Polio on the global governance agenda. This image "made more visible the

---

<sup>222</sup> Aylward, BR and others "Polio Eradication" in R Smith and others *Global Public Goods for Health: Health Economic and Public Health Perspective* (Oxford, Oxford University Press, 2003) 33.

<sup>223</sup> Ibid.

narratives” of patients who have been historically unattended by national and international health systems, emboldening claims for compassion and equity.<sup>224</sup>

A historical outlook of Polio demonstrated that openness and inclusiveness is not natural in global governance, but rather battled for, reinforcing Newmann and Clarke’s argument that publicness is “historically and socially variable” and that the construction of public matters “involves political struggles to make them so.”<sup>225</sup>

Naomi Rogers’ critical analysis of Polio’s history in the United States<sup>226</sup> facilitates the understanding of how significant the images of disease have been to define the agenda of GHG in particular, and global public service governance in general. In the United States, Polio’s image was originally built as a disease of the “immigrant ghettos.”<sup>227</sup> With the contagion of Franklin Delano Roosevelt in the late 1930s, it started to be perceived as a disease of the rich and the blue eyed. The contagion of Franklin Delano Roosevelt, on a personal basis, jumped started the foundation of institutions to research and treat polio. Due to legal segregation, treatment was mostly made available to

---

<sup>224</sup> In fact, Naomi Rogers made this claim in the context of Blacks, who were first not included in vaccination efforts, and their claims for more compassion and equity. Nevertheless, it seems that at the global context Naomi’s point can be transferred to the realities of several groups. Naomi Rogers “Race and the Politics of Polio: Warm Springs, Tuskegee, and the March of Dimes” (2007) 97 *American Journal of Public Health* 784 at 784-786.

<sup>225</sup> Janet Newman and John Clarke “Introduction” in *Public, Politics and Power: Remaking the Public in Public services* (Sage, Los Angeles, 2009).

<sup>226</sup> Rogers, above n 224.

<sup>227</sup> Rogers, above n 224, at 786.

whites.<sup>228</sup> Then, civil rights activism was able to push for the extension of Polio treatment to Black children and adults.

By investigating the changing images of Polio in the United States one starts to understand why a global polio governance initiative was able to be launched in 1988. The study of Polio includes historical markers such as Franklin Delano Roosevelt's contagion, the opening of the National Foundation for Infantile Paralysis (also called March of Dimes campaign) and the civil rights claims for larger attention to Black Polio, in times of legal racial segregation. In the specialised literature, the question of why polio was chosen by world leaders and communities alike as a disease to be eradicated regardless of obvious political, monetary and technical challenges is not easily found. Rogers offers an important analytical window that highlights the importance of the image of Polio to how and when it was made object of public policy.

This historical tracking reinforces the argument that the imaginary of a disease can provide a better understanding of how and why public service governance agendas are made. As images of diseases, peoples and things travel across nations, framing is also relevant for governance and agenda setting at the global level.

#### ***4.2. Emergence of GHG Ethics***

Despite of the rapid advancement of GHG as a discipline, it is far from exhausting its opportunities for exploring new inquiries. For instance, GHG traditional literature focusses on the “architecture” of global governance for health, treating the ethical question as a normative question rather than

---

<sup>228</sup> Ibid.

constitutive of the phenomenon. For most commentators, “global health governance includes not only States and intergovernmental organisations, but also nonstate actors such as NGOs and MNCs, as participants in the governance process.”<sup>229</sup>

In the traditional literature, nevertheless, the “radical break” between a new and a traditional system of health governance remains located on the participation of nonstate actors in steering and in the belief that nonstate actors are “legitimate actors in their own right.”<sup>230</sup> This participation does not need to be qualified by public values; global actors may engage in global social governance regardless of the values they promote. I consider this an important but limited view of the content of GHG.

Today, conceptual constructions of GHG do not include consideration of global ethical values. The lack of availability of a well accepted values-full theory of global governance undermines the likelihood of higher levels of global publicness to be engraved in the design and implementation of global health policies. Hence, the emergence of a GHG ethics is welcome and important from a global public perspective.

A values-full theory of global governance emphasises global governance as self-steering. As such, it relates to its capacity of harnessing “openness and inclusiveness with regards to the actions performed in public spaces as well as the attitudes and values that define ‘public values.’”<sup>231</sup> When participation of

---

<sup>229</sup> Fidler, above n 97, at 52.

<sup>230</sup> Fidler, above n 97, at 48-50.

<sup>231</sup> Daniel Drache “The Worried Global Public and New Citizenship Practices in an Unheroic Age” (2008) *Travelling Concepts* 271, at 279.



nonstate actors in global governance is qualified by the promotion of public values, ground-breaking frameworks should emerge.

A values-free interpretation of GHG is especially limited if global health is to represent the flagship service of an emerging global public sector. It asks too little about the role and responsibilities of nonstate actors involved with health policy. GHG ethics raises questions about the political and economic responsibilities of global health organisations, even if they have been important players in world health for years. GHG ethics reflect directly upon the challenges to operationalising global public status, a status that should not be voluntary, no matter how (financially or politically) independent an NGO can be or would like to be.

An emergent global public ethics of GHG begins to question the means and the aims of transnational and international organisations dealing with health services. Global ethics as applied in this context departs from the premise that global health refers to collective health challenges: to diseases that concern and affect us all. It also relates to collective wellbeing: to policies and practices that are necessary transnationally to guarantee the type of healthy societies that we want. Global health ethics showcases the immutable collective character of global health issues, which necessarily require transnational cooperation to be adequately addressed. Analysis from a global ethics character does not want to harm or stop important global health projects; it draws attention to the immutably collective character of global health policies and services, and to the questions that this character raises. These questions begin to be applied to practice. Global ethics can be used as a lens to analyse the work of all global actors: from the transnational corporation to well-established transnational NGOs.

Ethical questions about services provided by the NGO Doctors without Borders/ Médecins Sans Frontières (MSF) are good illustrations of the role of emergent ethical considerations in global social governance.<sup>232</sup> MSF is one of the most acclaimed GHG actors; nevertheless its work has been challenged from a global ethics perspective.<sup>233</sup> Its ethical dilemmas reveal some of the difficulties that arise with attempts to globalise social services outside of a well-constituted global public domain. It is important to explain that MSF is increasingly offering services outside of humanitarian emergencies, but rather related to primary health care. As MSF becomes a regular provider at the global level, new ethical questions emerge.

For example, in 2006, they “treated 150,000 severely malnourished children, primarily with ready-to-use food, or RUF, a revolutionary new product that is radically changing protocols for responding to this devastating childhood disease.”<sup>234</sup> This was the start of MSF’s global campaign against malnutrition. In 2007, the organisation engaged in another global campaign that is directly related to primary care: a campaign against the giant laboratory Novartis for “its legal challenge to India patent law in order to protect the production of low-cost generic medicines.”<sup>235</sup> This was the start of a larger campaign for cheaper and more accessible essential medicines worldwide.<sup>236</sup> Today, MSF’s emergency work is “only part of its current practice.”<sup>237</sup> Its

---

<sup>232</sup> Fidler, above n 97, at 53-55.

<sup>233</sup> See generally Peter Redfield “Doctors, Borders and Life Crisis” (2005) 20 *Cultural Anthropology* 338 at 335.

<sup>234</sup> “Programmes” (2010) Doctors Without Borders

<<http://www.doctorswithoutborders.org/aboutus/timeline.cfm?ref=main-menu>>.

<sup>235</sup> Ibid.

<sup>236</sup> Peter Redfield “Doctors, Borders and Life Crisis” (2005) 20 *Cultural Anthropology* 338 at 335.

<sup>237</sup> Ibid.

current practice has been significantly expanded. Its more than 2,000.00 volunteer physicians and the 15,000.00 local staff feel that they can provide health care services to patients without sociological or political constraints.<sup>238</sup> Their principles for action are based on “humanitarian principles of medical ethics and impartiality.”<sup>239</sup> Impartiality refers to its political autonomy. In this context, the type of impartiality that the organisation cherishes implicates lack of political responsibility and lack of concern with its sociological engagement with other actors. As it increasingly engages with primary health care, a traditional public service, impartiality is problematic. Since MSF plays a fundamental public role in respect of the wellbeing of people, it should be less impartial and more politically responsible for its acts. Besides, it should be concerned with the input of other actors. For instance, it is relevant that MSF prefers not to be associated with a broader political domain, a global public domain.

Although their work has won a Nobel Peace Prize, their legitimacy to conduct health services in isolation (i.e. within the limits of one NGO) needs to be assessed. As one of the most important global actors, Doctors without Borders fails to engage in health governance from a public-policy perspective. According to Peter Redfield, “the sort of medical action pursued by MSF reveals ethical complications within this field of global crisis, including dilemmas of place and capacity in the aftermath of European empire, as well as the political limits of medical sensibility.”<sup>240</sup> Redfield’s critique relates to important issues concerning NGOs’ independency and lack of political

---

<sup>238</sup> Ibid, at 335.

<sup>239</sup> Ibid.

<sup>240</sup> Ibid, at 329.

responsibility because they engage with public service provision; the nature of their work is public. It also touches upon the fact that MSF may end up promoting its own policy and philosophy through vertical interventions rather than through global governance. For example, MSF is able “to extend norms of power in an effort to effect the government of health, but without any certainty of control as responsibility for rule is deferred by humanitarian organisations such as MSF to absent political authority.”<sup>241</sup>

It is difficult to concretely assess the specific responsibilities that global public status would entail, and specifically to whom an organisation such as MSF should respond to, given the vagueness of the global public domain and the relative success of global service delivery thus far. The work of MSF, according to Redfield citing Michael Foucault and Antonio Negron, “certainly contributes to the greater contemporary world order, forming part of an established apparatus for crisis response.”<sup>242</sup> And I add that it certainly contributes to the consolidation of global health as a flagship service of a global public sector. However, issues considering independence and apoliticisation should be faced with care. Global public status should engender bonds of solidarity between provider and recipient, State and NGO, multilateral entities and NGOs, as well as shared responsibilities. These bonds of solidarity and responsibility challenge the type of apolitical, and sociologically independent position that is proudly held by MSF.

The emergence of a global public sector seems to be inseparable from a tension between the autonomy of nonstate actors working *solo*, and their duties and rights as members of the global public domain. The effective work of

---

<sup>241</sup> Ibid, at 330.

<sup>242</sup> Ibid.

MSF, which has made visible the health demands of many who otherwise would not have been heard or attended (thus enjoying some level of publicness,) could be improved in terms of its suitability to champion global public health services as part of a global public sector. The resistance to recognising a transition from humanitarian NGO to global provider is deliberate; MSF carefully “avoids wider governance” roles, even if already offers services in 80 countries, where it found the services to be inadequate.<sup>243</sup>

These types of transitions could be facilitated and improved if the status of global public actor would be better understood, and if independence of action could be exchanged by publicness of action. It is hard to say whether MSF, the Nobel Peace Prize winner, will eventually situate itself as a global public actor, or if it will be accepted as such by practitioners, scholars, or global social policy makers. The same question is valid to many other transnational NGOs and public private partnerships.<sup>244</sup>

These political and sociological challenges have been present in the work of all other mechanisms of GHG studied thus far. They raise vital ethical questions. They speak to the issue of relative autonomy introduced in the second chapter. They also speak to the issue of division of labour and of responsibilities among global public actors and between these and the nation-state. More research and understanding of these issues are urgently needed, given the levels of global actors’ involvement in public health. In fact, especially nonstate actors’ increasing engagement with primary health care

---

<sup>243</sup> MSF provides services in more than 80 countries. Ibid, at 329-330.

<sup>244</sup> Tim Brown and Morag Bell “Imperial or Postcolonial Governance? Dissecting the Genealogy of a Global Public Health Strategy” [2008] *Social Science and Medicine* 1571, at 1572 (citation omitted).

requires that issues of political and sociological engagement be soon addressed as part of an emergent concern with ethics in GHG.

#### ***4.3 Interconnectedness, Sense of Shared Fate and Securitism***

There are types of interconnections that are clearer in health than in any other public sector. More specifically, the fact that microbes cross borders and may affect any country in the world obliges countries to cooperate to control infectious diseases. Due to its focus on security, this type of cooperation is called securitist. Securitism is based on obvious links and is the most studied type of inter-connection in global health. There are other links as well. For example, the effects of poor basic health care and poverty can be felt world-wide; they come from underrated relationships such as between family planning and migration flows. Different types of interconnections, including but not only epidemiological, help to make of global health the most fitting environment for global governance in public services to emerge and flourish.

The development of Social Determinants of Health (SDH) theory and the work of the WHO's Commission on SDH demonstrate how health interconnections go beyond travelling microbes. These two resources (one conceptual and the other practical) show that interconnectedness in health has been debated beyond communicable diseases. Poor basic care has pervasive transnational repercussions, as it is linked with so many other social and economic variables. SDH debates have also had practical repercussions, where new mechanisms of governance not only lead the way in the control of epidemics, due to the threat they pose, but start to function as arenas hosting debates about the need for regular, basic health services to be provided globally.

GHG debates that do not concentrate on specific high-profile diseases are growing, but are still not predominant. The predominant objective of GHG remains epidemiological control. Without it, it is likely that advancements in global health would not have been made at the same levels. Yet an exclusive focus on high-profile diseases may be counter-productive. GHG has benefitted from the particular psychological, economic, and political circumstances generated by the scary world of communicable diseases, and within these environments, it has worked relatively effectively. The question as to whether this is sustainable, or whether this can be made part of a larger discourse of health as a vehicle for social justice, has been raised by the SDH literature and remains unanswered.<sup>245</sup>

The successful 1970s global smallpox campaign and the 1988 global campaign to eradicate polio were the first mechanisms to engage with aspects of global communicable-disease governance, as we know it today.<sup>246</sup> Since then, global health governance has largely been associated with health securitism. GHG has been more about how to prevent dangerous diseases from travelling globally, than about addressing historical underprovision of health as a moral obligation, like the lack of adequate nutrition that plagues the African Horn and poor neighbourhoods around the world.

While smallpox and polio campaigns did not directly make use of “threat” language, the campaigns for their eradication were largely successful because of a scared population, a scared group of high-level officials, who invested time and money to revert a dangerous prospect of mass contamination and

---

<sup>245</sup> Garret, above n 111.

<sup>246</sup> Bernard Seytre and Mary Shaffer “The Death of a Disease: a History of the Eradication of Poliomyelitis” (Rutgers University Press, New Jersey, 2005) at 108.

death. Although these two campaigns involved nonstate actors and were, to a great extent, successful in controlling diseases, they also geared the attention of health governance to communicable diseases, and shifted resources out of primary care to complex care.<sup>247</sup> For example, the pictures of disabled children who figured on the advertisements of the March of Dimes (the main funding mechanism in the Polio campaign) served a similar function in the 1960s and 1970s to videos of airports and scared passengers wearing masks in the 2000s. These images mobilise people, institutions, and governments to act quickly, to fund campaigns, to buy medicine, etc.

These types of rapid responses, although sometimes necessary, have not always proved effective. For example, scholars labelled the recent purchase of millions of boxes of the medicine Tamiflu (produce by the laboratory Roche) in the 2009 outbreak of H1N1 as a poor use of resources by some governments, given the short shelf-life of Tamiflu and doubts about its effects.<sup>248</sup> Ironically, the fact that not all countries had access to a minimum amount of anti-viral drugs, such as Tamiflu, was also mentioned as one of the main challenges of containing H1N1.<sup>249</sup> In any event, the benefits of Tamiflu have not been scientifically proven. According to findings reported by a multi-part

---

<sup>247</sup> Ibid.

<sup>248</sup> In short, the research shows that scientific evidence just isn't there to demonstrate that Tamiflu prevents serious complications, hospitalisation, or death in people that have the flu. See the findings and discussion at Tom Jefferson and others "Neuraminidase Inhibitors for Preventing and Treating Influenza in Healthy Adults: Systematic Review and Meta-Analysis" [December 2009] British Medical Journal, 339.

<sup>249</sup> The Atlantic also ran a report on the BMJ's research on Tamiflu. See at Shannon Brownlee and Jeanne Lenzer "The Truth About Tamiflu" (2009) The Atlantic <<http://www.theatlantic.com/magazine/archive/2009/12/the-truth-about-tamiflu/7801/>>.



investigation of the benefits of Tamiflu published on the British Medical Journal.<sup>250</sup>

Neuraminidase inhibitors comprise nebulised zanamivir (Relenza; Glaxo Wellcome) and oral oseltamivir (Tamiflu; Gilead Sciences and F Hoffmann-La Roche)... Neuraminidase inhibitors do not, however, prevent infection or stop nasal viral excretion, so they may be a suboptimal means of interrupting viral spread in a pandemic. If used to contain a severe pandemic outbreak, neuraminidase inhibitors should be considered only part of a package of measures to interrupt spread, including physical measures.

A concern with the consequences of these findings (indication that Tamiflu is a suboptimal means to be used in a pandemic) from a global governance perspective raises the following issue:<sup>251</sup>

Governments, public health agencies, and international bodies such as the World Health Organisation, have all based their decisions to recommend and stockpile Tamiflu on studies that had seemed independent, but had in fact been funded by the company and were authored almost entirely by Roche employees or paid academic consultants.

Issues such as this, which emerge out of the relationship between GHG and threats and emergencies, are closely related to global publicness (or the lack thereof). While epidemics continue to be addressed only when they are well advanced (and sometimes they will have to be) decisions tend to be made behind closed doors, and delivery mechanisms tailored accordingly, likely benefiting certain populations over others. The issue is not with rapid responses per se, but whether more democratic, network-types of apparatuses

---

<sup>250</sup> Tom Jefferson and others “Neuraminidase Inhibitors for Preventing and Treating Influenza in Healthy Adults: Systematic Review and Meta-Analysis” [December 2009] British Medical Journal, 339.

<sup>251</sup> Shannon Brownlee and Jeanne Lenzer “The Truth About Tamiflu” (2009) The Atlantic <<http://www.theatlantic.com/magazine/archive/2009/12/the-truth-about-tamiflu/7801/>>.

can be made available. In the history of the control of Severe Acute Respiratory Syndrome (SARS,) analysed in the previous section about GOARN, a mechanism was created to function as a hub for laboratories, scientists, governments, and the like to provide rapid input about the future of the control strategy.<sup>252</sup> This is the type of apparatus that can make a difference, when rapid responses are needed and facilitated by a sense of shared fate among all nations of the world. In addition, it is important to remember that rapid responses to contain epidemiological threats should be made the exception of GHG practice, and not the rule.<sup>253</sup>

#### ***4.4 Strategic Use of Securitism in GHG***

Securitism as a concept may be used to expose that world interconnections created by scarce primary care, and not only by microbial threats, matter and can create a willingness to globalise health governance.

There is agreement about the fact that epidemiological threats should not be the only object of GHG. There is so much less discussion whether, or how, fear of disease and a sense of threat can be turned into something positive for GHG.<sup>254</sup> For my purposes, the question is whether a security paradigm can enhance levels of publicness in governance. What has been observed in the above study of mechanisms is that securitism has the capacity to bring States

---

<sup>252</sup> *Global Outbreak Alert and Response* WHO/CDS/CSR/2000/3 (report of a WHO meeting, Geneva, Switzerland, 26-28 April 2000).

<sup>253</sup> Garret, above n 111.

<sup>254</sup> Fear of disease has been reinforced by popular culture. For instance, portrayals of disease in pop art often relate to scary epidemics spreading around the world. The impact of popular culture, by framing disease as a global threat, has been one object of Cultural Studies. These studies explore the way popular culture and art portray, and help reproduce, stereotypes of disease and of who gets ill, thus influencing prioritising and agenda setting. For more on cultural imaginaries of disease, see generally Margaret Healey "Fictions of Disease in Early Modern England: Bodies, Plagues and Politics" (Palgrave Macmillan, New York, 2001).

and IGOs to cooperate with each other and with other nonstate actors, but it is not clear whether securitism brings elements of global publicness to the process of disease-control.

The exclusive focus on high-profile diseases could even be harmful, since it directs political and financial resources away from public health in general, often harnessing resources to the health threats that affect the rich and affluent.<sup>255</sup> The not-so obvious challenges, which generally do not affect as strongly the rich and affluent, are harder to govern from the global level, especially because they require a stronger moral commitment to be made global and public. For example, the fact that diarrheal diseases still kill millions today should be made global public not because it is an obvious hazard to many – but not all – countries of the world, but because it is morally wrong.<sup>256</sup>

The call for global health to intervene in basic health care is of moral nature. It is about people who are unduly ill. With the advancement of rapid communication and multi-media resources of the late 20th-century, Global South leaders started advocacy campaigns defending that it is “an affront to our conscience” to grasp that the diseases that kill the most in the world are perfectly curable and preventable.<sup>257</sup> The issue is how to link the moral obligation with the security concern, making visible the connections between lack of primary care and the emergence of new microbes.

---

<sup>255</sup> Pogge, above n 68.

<sup>256</sup> Ibid.

<sup>257</sup> World Health Organisation and Stop TB Partnership Report *Actions for Life: the Global Plan to Stop TB* (2006), at Introduction.

By researching the characteristics of GHG, it is possible to infer that the area of communicable diseases is obviously of global concern. It is globally public; and securitism has contributed significantly to enhancing global visibility and a sense of shared responsibility for communicable diseases. There are facilitating characteristics in the world of communicable diseases that create a more conducive environment for political, economic, and popular forms of cooperative schemes to emerge. In this sense, the services provided by GHG to control epidemics are important mediums of global publicness. It has been the area in which innovative global governance policies and practices have emerged.

GHG in communicable diseases following a securitist approach, even in the absence of altruistic and caring justifications, harnesses support to rapidly control a disease and save lives. But, will it be as beneficial as it could be in regards to other health goals (such as prevention) if the same efforts were brought forward under a more complex global public health approach, for example the Alma Ata framework (emphasising primary health care) instead of advancing a predominantly securitist framework? The answer here seems to dwell on the opportunities to use the appeal of communicable diseases to expand the debate.

For instance, the research shows that the HIV/AIDS campaign helped to harness attention to the complexity of health and the emergence of structural propositions such as looking into social determinants for establishing prevention. It helped to consolidate the human right to the highest attainable standard of health as a viable platform for policy. It also helped to gauge the world's attention to the pervasiveness of poverty, and consequently is

associated with the Millennium Declaration mind-set.<sup>258</sup> With the momentum created by HIV/AIDs, the MDGs, and new theoretical constructions such as SDH, a window of opportunity was opened that, today, allows us to think about public health more broadly. It is also an opportunity to think about how GHG can use securitism to harness support for grave, structural problems related to the lack of primary health care worldwide.

### *V Global Health: Medium of Global Publicness and Successful Global Governance?*

The mapping of GHG (its institutions, policies, and its intrinsic characteristics) allows for important inferences about global health as a medium of publicness. It is suggested that the consolidation of public health services in communicable diseases, but especially in non-communicable diseases (which is beginning to happen) is a good indicator that aspects of publicness have been relocated to the global level. It also demonstrates that the global public sector is increasingly influenced by the pioneer work of GHG and by the global health demands made more visible in the 21<sup>st</sup> century.

As previously demonstrated, there are clear reasons for the rapid growth of GHG in communicable diseases, given the field's global visibility, a sense of collective responsibility and, hence, a higher affinity with global publicness. In short, a growing number of services and higher affinity to global publicness is brought about by: microbial pathogens which do not recognise borders; people and governments both in the North and South feeling scared and vulnerable; and the necessity of concerted action among various actors and nations, which

---

<sup>258</sup> More on the governance effects of the Millennium Declaration was discussed in Chapter 2.

otherwise would not be able to control travelling microbes. There are other less obvious factors building global publicness in global health.

The promise of GHG as a flagship global public service comes from its potential to conciliate priorities in the area of communicable diseases with a long-term global primary health care strategy. In turn, this requires agreement among scholars, practitioners and activists that both epidemiological and basic health interventions should be made globally public, and that both security and moral obligations justify global health governance.

As the discourse about moral and security obligations continues to diverge, GHG faces the challenge of maintaining focus on infectious outbreaks at the same time that it expands its coverage of neglected diseases and basic care. The debate about global primary care is one about values, structural causes of disease, and global services for basic health. It begins to happen, pushed by the attention harnessed by communicable diseases and by a broader movement which is committed to exposing the social determinants of health.

The question that arises then is about the possibilities for success in primary care, especially the success of policies that have been created to address not only the obvious, but also the not-so-obvious global health challenges. The latter do not enjoy the same, technical, political and economic context that facilitates global governance today. This context, however, can be created. Primary Health Care programmes can be made more obviously global public. It requires that society deliberate about morals, historical structures and deeply-ingrained inequalities (rather than eminent security risks). The process in primary care has to be understood as a long, incremental, and necessary process. This process is vital not only for the long-term success of GHG, but

also for the consolidation of global publicness beyond global governance frameworks that depend upon travelling threats.

## *Chapter 5: GLOBAL GOVERNANCE IN PUBLIC SERVICES: A SUMMARY ASSESSMENT*

### *I Function of the Chapter*

This chapter summarizes the main observations and arguments presented thus far. It recaps the theory and current practices that are changing public services at the global level. At this point, I find most important to revise concepts, to go over practices, and to discuss, what I argue is the main challenge to global social governance, namely a lack of publicness.

This chapter takes advantage of the case studies examined to identify cross-sectoral and cross-institutional trends that relate to current theory and practices of global governance in public services. In this case, the comparisons were made between global health governance and global education, and among the UN social initiatives. There will always be limitations to generalisations, especially given the specific characteristics that define global governance in different contexts. Still, the analysis of similarities and differences across these realms grants new insights about the future direction of global social policy and governance.

When analysed as a whole, the trends identified led me to think about new approaches to both understand and effectively act upon global social governance. Global social governance calls for a global domain that is better understood and more widely recognised as public. State officials, scholars and NGO executives should be as worried about publicness in global governance,



as they are worried about creating important new policies and mechanisms for public service delivery. Currently, this is not the case.

The summary of current trends presented here is approximate. The list is not exhaustive and rather identifies global social governance concepts, discourses, and actions discussed in the course of the research. As the research shows, these concepts, discourses, and actions are yet to be mapped and synthesized, especially from a new perspective, namely global public theory.

## *II What do our case studies teach us about Global Governance in Public Services?*

The specialised literature of global governance in health and education refers to global governance as a combination of transnational aspects of “funding, ownership, provision and regulation” coordinated by a range of institutions such as “the State, the market, the community and households.”<sup>1</sup> Global governance in public services, or global social governance, refers to the quantity and quality of joint activities that relate to funding, ownership, provision, and regulation of staple welfare services. Global social governance impacts on traditional and new public administration initiatives, either disrupting or advancing domestic governance practices of subsidies, outsourcing and privatisation. Global social governance can also refer to more autonomous practices, through which international and transnational actors carve a political space of their own; they make important decisions about key policy-fields; and they design social policy and delivery schemes for services that traditionally absorb a great amount of governmental resources.

---

<sup>1</sup> Fazal Rizvi and Bob Lingard *Globalizing Education Policy* (Routledge, New York, 2010).

## ***2.1 Political Meanings***

Most scholars view global governance in public sectors (health, education, water supply, housing) through a liberal lens. They investigate the role of hybrid alliances such as public-private partnerships and their capacity to regulate, bring to fruition the enjoyment of rights, and/or redistribute to the extent that “basic survival needs” are fulfilled.<sup>2</sup> A liberal approach mirrors the 3Rs strategy advocated by the Commission on the Social Determinants of Health (CSDH).<sup>3</sup> The liberal approach is also popular with governments. It holds close affinity with formal institutions (formal laws/regulations and international bodies formed by national consent) and traditional ways of:

- understanding publicness and fulfilling basic needs as a prerogative of the nation-state;
- exercising democracy via elections in the national territory;
- and understanding the scope of public policy as affecting: persons under a given national territory rather than persons linked by a more plural set of affiliations.<sup>4</sup>

Liberal scholars working with global social governance study how to make basic resources available to poor countries. Yet there is a pressing need for global social policy and action to respond to the demands of groups that are spread out across the globe and disproportionately in-need. These include women and children pertaining to ethnic minorities, who are generally in the

---

<sup>2</sup> LO Gostin “Meeting Basic Survival Needs of the World’s Least Healthy People toward a Framework Convention on Global Health” (2008) 96 *Georgetown Law Journal*.

<sup>3</sup> World Health Organisation “Commission on Social Determinants of Health” (2011) *Social Determinants of Health* < [http://www.who.int/social\\_determinants/thecommission/en/](http://www.who.int/social_determinants/thecommission/en/)>.

<sup>4</sup> Amartya Sen “Violence, Identity and Poverty” (2008) 45 *Journal of Peace Research* 5.

bottom of social and economic indexes in places that range from Brazil, to India, to the United States. These types of policies may achieve more in terms of reducing inequalities (and promoting awareness about why inequalities exist) than adopting an almost-exclusive focus on developing countries.<sup>5</sup>

In the last ten years, IGOs, transnational NGOs, and FBOs have advocated for basic services for all, regardless of nationality. This rhetoric for ‘basic’ services is visible in several public sectors. There is a call for access to potable water for all; a call for primary health care; a call for primary education; a call for popular housing; etc. Although the discourse around *basics* goes beyond the national border, it reflects the liberal approach to global governance frequently deployed by governments and international organisations.

The liberal approach influences rights-based discourses. Consequently, rights-based discourses do not include a debate about the responsibility of States to provide services to realise social and economic rights. All sectors, albeit at different levels, deploy the language of the international legal apparatus – generally international human rights – to advocate for rights such as education, housing, and health for all. However, the human rights framework operates through remedying gross violations (like hunger and extreme poverty) rather than through providing services to avoid them. Rights-based discourses are generally deployed uncritically and fail to connect rights advocacy with advocacy for service provision

Especially in terms of Economic, Social and Cultural Rights (ESCR) service provision has only recently been included in interpretations of what constitutes these rights (although debates about the connection between rights and needs

---

<sup>5</sup> Ibid.

have historically accompanied human rights studies).<sup>6</sup> In fact, human rights discourses do not make the link between right and provision. Mostly, social and economic human rights are universal propositions that materialise inside of the national territory and in relationship to the national legal system. International lawyers, and international legal scholars, do not traditionally interpret human rights as generating an obligation of provision. In the field of health, this begins to change.

The emphasis given by transnational NGO's to human rights has expanded opportunities for nonstate actors to participate in the global governance of health, advocating for a more integrated interpretation between rights and necessary action.<sup>7</sup> Social movements brought international human rights law to bear on public health, piercing the sovereign veil and scrutinising how governments treated their citizens and their health – strategies not supported by a traditional read of the right to the highest attainable standard of health. In global education, scholars form a more critical cohort, generating counter-discourses to the liberal approach. For instance, education as a means to *win* in the knowledge economy (a sort of 'mantra' adopted by governments and IGOs) as the avenue to prepare self-sufficient individuals who can *cure* the world social problems, has been contested by education scholars writing about global education from different viewpoints. Yet global education lacks the social movement component that is strong in global health, especially around campaigns against epidemics.

---

<sup>6</sup> International Covenant on Social, Economic and Cultural Rights (opened for signature 16 December 1966, entered into force 3 January 1976).

<sup>7</sup> D Fidler *SARS, Governance and the Globalisation of Disease* (Palgrave Macmillan, New York) at 40.

Due to a combination of critical theorists and advocacy networks unsatisfied with the liberal approach, another approach has attracted attention: the social constructivist approach.<sup>8</sup> The social constructivist approach, when applied to public services, “focusses on the norms, rules, and social institutions that make up the global system and constitute the identities and interests of States and other international actors, and enable it to learn and go beyond self-interest towards a global agenda and a global system.”<sup>9</sup> The social constructivist approach, therefore, adds another ‘R’ to the 3Rs strategy, the R of *recognition*. Recognition not only refers to the beneficiaries as the centre of global governance, but also to their environments as determinants of their needs and, consequently, of policy choices. Recognition refers to noticing, validating, and building upon the democratic experiences successfully created at the local level to address challenges that are transnational (they can be service associations such as groups that organise day care, federated associations to build houses, and community-based micro-credit federations). The R of recognition is closely related to calls for deepening democracy.<sup>10</sup> Based on the case-studies provided, it is possible to infer that recognition enhances levels of self-steering.

I identify *recognition* as the fourth R of a scholarly revised approach to global social governance that is based on constructivist ideas. These ideas

---

<sup>8</sup> Makinda provides a good summary of these three approaches to global governance in the context of social services. Samuel Makinda “Recasting Global governance” in RC Thakur and E Newman New Millennium, New Perspectives: the United Nations, Security, and Governance (United Nations University Press, 2003).

<sup>9</sup> Ilona Kickbusch “Global health Governance: Some New Theoretical Considerations on the New Political Space” in Kelley Lee (ed) *Globalisation and Health* (Palgrave, London, 2003) 192 at 194.

<sup>10</sup> The relationship between deepening democracy and improving global social governance will be further discussed in ch 6, section Grassroots Realpolitik.

were designed to undermine shortcomings of the “liberal” view of global governance. The R of recognition should be considered a sort of transversal and overarching R, which should contribute to the realisation of social and economic rights, and the making of better regulation and redistributive policies. The question then is: how can the overarching R be fomented and pragmatically accessed? Also, how can the concept of recognition be translated into practice that transversally checks regulation, rights, and redistribution? More attention to social constructivism and to recognition of local voices in global governance signal that these questions may receive more policy attention in the near future.<sup>11</sup> In fact, an emerging global public theory provides a disciplinary home for these preliminary thoughts and for improved approaches to flourish.

Global public theory sub-fields focus on matters of principle such as the role of the local level in public private partnerships and decision-making, but they can also refer to those less obvious, but equally important, matters such as framing in global governance.

Framing as a sub-field of global health governance is an innovative way to investigate “what determines whether or not Global health problems become global priorities?”<sup>12</sup> It looks at the subjects and objects of global governance and how they are framed, perceived, imagined, and believed to be. According to framing scholars, these imaginaries are culturally, sociologically, and politically relevant to global governance. Imaginaries change how actors

---

<sup>11</sup> Ibid.

<sup>12</sup> Michael Sidibé, Sonja Tanaka and Kent Buse *People, Passion & Politics: Looking Back and Moving Forward in the Governance of the AIDS Response* (UNAIDS Global governance Report, 2010).

engage with each other and how global agendas are set. Hence, framing can be considered an important sub-field of global public theory.

Global public theory can serve as a disciplinary home for multi-disciplinary research, which helps us understand the new political meanings attached to global governance. What issues and actors populate the global public domain, who governs and who is governed, who benefits the most, and why, and how one can increase the levels of self-steering, and publicness of this domain? Global public theory as a discipline is not, therefore, only about a new political space; but about the sociology of this domain, the organisation and function of this domain, and the psychology of the actors that enter this new political space.

## ***2.2 Normative Meanings***

Normative prescriptions dwell on technical aspects of global governance as an administrative methodology; they dwell, to a lesser extent, on democratic principles, people's capacity to self-organise, public ethics and moral values. For instance, the concept of humane governance was prescribed as an aspirational vision to animate transnational forces working to build legal and political structures capable of better addressing contemporary human needs.<sup>13</sup> Humane governance aims at bringing common needs of every human being to the forefront; it has contributed to debates about how to make governance

---

<sup>13</sup> Richard Falk "Humane Governance for the World: Reviving the Quest" (2000) 7(2) Review of International Political Economy 317.

more people-oriented; and it has been used in the process of setting the governance agenda for the Millennium Declaration.<sup>14</sup>

Similar to the prescription for humane governance, other visions of global governance in public services figure in both the general normative and specialised literature on global governance. The scholarship deals with how the global health sector, the global education sector, the global housing sector should look like ... Just like humane governance, the prescriptions ask for more democratic means, more self-organisation, and more realisation of human rights; the prescriptions have had varying degrees of practical applicability.

The field of global health exemplifies well the mismatch between prescribed roles and actual roles exercised by global actors engaging with social policy. GHG discourse has emphasised the necessity of relying upon regular, nationally-integrated health services to deliver care. It has prescribed the revitalisation of the national level to row and steer health services. In practice, global health services are more likely to be designed and funded top-down and when epidemiological disasters are about to, or have already happened. In this emergency scenario, all kinds of actors partner to deliver health services. Likely, partners do not assess, or are not required to assess, how their strategies better fit within the national health governance strategy: In fact, they are generally not required to assess the publicness of their actions either from a national perspective or from a global perspective. Such a lack of assessment of

---

<sup>14</sup> Sakiko Fukuda and Richard Ponsio “Governance: Past, Present, Future; Setting the Agenda for the Millennium Declaration” (Draft paper for Fourth Global Forum: Dialogue and Partnerships for the Promotion of Democracy and Development, December, 2002, Morocco, version 22 October 2002.)



publicness may be associated with many factors, from the urgency of the action, to lack of effective national health strategies, to a habitual strategy of dealing with social challenges by using vertical development policies.

Publicness considerations are generally addressed through post-facto instruments such as mechanisms of accountability. Actually, accountability is a common prescription of scholars studying effectiveness in global social governance.

With a focus on the nation-state, global governance discourse has focussed on the term *accountable* to portray the global governance that is desired. In other words, the global governance mechanisms commonly envisioned are those considered accountable. But accountability functions poorly when the focus is adjusted to the current circumstances of who provides and who receives public services. The new focus reveals unknown global actors performing undefined political and technical roles.

Following the work of political theorist Jane Mansbridge,<sup>15</sup> I argue that accountability is a requirement of effective global governance, albeit almost an empty concept when situated at the global level, a fragmented political space from where plenty of new social policies and service schemes are now being made. While the global environment in which global social governance is immersed is badly understood politically and technically (with undefined legal

---

<sup>15</sup> See Jane Mansbridge “A Deliberative Perspective on Neocorporatism” (1992) 20 *Politics and Society* 493; Jane Mansbridge *Beyond Adversary Democracy* (University of Chicago Press, Chicago, 1983); and Jane Mansbridge “The Fallacy of Tightening the Reins” (Keynote Address to the Austrian Political Science Association, Vienna, 10 December 2004).

and political roles, and an undefined division of labour) standard accountability as a concept is virtually inoperable.<sup>16</sup> It only works as discourse.

Accountability as a discursive trend is important to call the attention of global actors to the necessity of creating new mechanisms that suit the fragmented global level. Accountability has likely been overused as the default mechanism grounding prescriptions for global action that will affect, in one way or another, the world population. Accountability is a post-facto mechanism. Together with accountability, there is a need to design deliberative mechanisms to avoid the deeper, ethical and political challenges that emerge when transnational nonstate actors get involved with the provision of public services, such as child welfare – from birth to school.

Historically, public services and providers have been part of the political realm (the realm made of things and people grouped together to realise a common objective). But, just recently, public services and providers have become the focus of international law and international legal scholars.<sup>17</sup> For instance, authors have just recently begun suggesting legal frameworks on a sector-by-sector basis that can increase the profile of international and global public services. Gostin suggests an international legal framework for global health that can encourage “poor countries to take ongoing **responsibility** for their own health **in collaboration with IGOs, States, business, foundations, and civil society**”.<sup>18</sup>

---

<sup>16</sup> Jennifer Rubenstein, ‘Accountability in an Unequal World’ (2007) 69 *The Journal of Politics* 616, at 620-625.

<sup>17</sup> LO Gostin “A Proposal for a Framework Convention on Global health” (2007) 10(4) *Journal of International Economic Law*, 989 at 993.

<sup>18</sup> *Ibid* (emphasis added).

An emergent global public sector adapts and adopts democratic governance prescriptions, such as varying notions of *political openness*.<sup>19</sup> Political openness welcomes the formation and recognition of new publics and is used as the seed of a larger social realm. Discussions on the universal social protection floor introduce one opportunity for political openness to be used in global social policy.

Political openness at the global level depends upon a moral commitment that could both transform global economy, according to Harvey, as it could create transnational forms of democracy, as articulated by Held.<sup>20</sup> In fact, a moral commitment is the backbone of an emergent philosophy of global social governance. Nevertheless, the moral argument is the last one to be deployed to promote action on the ground, being discredited and substituted by other justifications for cooperation such as enlightened self-interest. Global governance as both a public and transnational phenomenon is much more contested than global governance understood only as transnational. In fact, the public approach, which benefits and promotes political openness, requires profound changes. In comparison, the territorial approach, although more practical in the short-term, does not advance a clear understanding of the

---

<sup>19</sup> Leading theorists David Held (who argues for openness in decision-making in the context of transnational democracy theory) and David Harvey (who writes on cosmopolitanism) highlight the importance of articulating new forms of political openness, even if the exact shape of it is not yet clear, or far from being agreed upon. Respectively, David Held “Regulating Globalisation: The Reinvention of Politics” (2000) 15 *International Sociology* 394; And David Harvey *Cosmopolitanism and the Geographies of Freedom* (Columbia University Press, New York, 2009) at 188-201.

<sup>20</sup> David Harvey *Cosmopolitanism and the Geographies of Freedom* (Columbia University Press, New York, 2009), 255-257.

“proper form and place” for the decisions and initiatives that increasingly influence the wellbeing of peoples worldwide.<sup>21</sup>

Although social services are historically public, governance scholars focus on the architecture of global governance in public services, treating the question about the need for publicness as secondary, rather than constitutive of the phenomenon. In short, most scholars accept that global governance takes place whenever nonstate actors of transnational reach engage with decision-making.<sup>22</sup> They do not consider a global public ethos a constitutive element of global governance. A global public ethos would require that nonstate actor engagement actually promoted higher-levels of self-steering. Global social governance with higher levels of self-steering and political openness is the normative meaning I would like to see further developed and pursued.

### *III Who Does it?*

The function of this section is to provide a reference to the main mechanisms and policies of global social governance studied thus far. They serve as a sample of the institutional framework of global social governance. The numerous policies and mechanisms studied provide evidence of the supranational level providing and designing public services by mainly using development, but gradually more global governance frameworks. Yet understanding global governance as promoting higher levels of self-steering remains a challenge.

---

<sup>21</sup> Held “Regulating Globalisation: The Reinvention of Politics” (2000) 15 *International Sociology* 394, at 398.

<sup>22</sup> For a historical critique of this position, see Kelly Loughlin and Virginia Berridge “Global health Governance: Historical Dimensions of Global governance” (Discussion Paper n.2 Department of Health and Development World Health Organisation, 2002).

### ***3.1 Global Social Policies in the UN Context***<sup>23</sup>

In the context of the UN, I have drawn attention to the importance of the Millennium Declaration as a new paradigm guiding global social governance strategies. I also called attention to the Millennium Development Goals (MDGs) as quantitative benchmarks that favoured old international frameworks for action, such as technical assistance and economic development.

More remarkably, after the Millennium Declaration, the UN started to engage in ‘Delivering as One Schemes’ (UN-wide development projects, including partnership, coordinated to deliver as one,) which brought together UN agencies and local offices in a more aggressive effort to improve service delivery at both the international and national levels.

The Millennium Declaration and the global economic crises (2005 and 2008) created momentum for broader UN-led social interventions. The UN family started to engage with ideas about using social integration and basic social services as a new paradigm for global social governance. In this regard, I studied high-level debates, reports and policy papers about creating a scheme for universal pensions, better frameworks for a Global Jobs Pact and, finally, how to fund and execute a global universal social floor.

Besides these macro-level social policies, achievement mechanisms were established at the UN after the Millennium Declaration. I studied The MDG Fund, and the World Bank’s Public Private Infra-Structure Advisory Facility.

---

<sup>23</sup> For discussion and citation of the resources mentioned in this and the two subsequent lists, refer to the respective chapters.

These two mechanisms have helped influence how social service delivery is funded.

Finally, I studied other mechanisms put into practice by the UN family and partnerships led by UN specialised agencies. I studied them as part of what goes on at the two policy-fields chosen as case-studies.

### ***3.2 Global Social Policies in Public Education***

There are not many sound global social policies in education. There are plenty of education policies as a result of international governance for economic development. For instance, I studied policy borrowing and lending as a means to advance economic development and global investment in the knowledge economy. Attempts to broaden education governance towards global efforts are related to the UN's Strategy for Education – Education For All and the Dakar Framework (EFA), based on MDG 2. The MDG 2 engendered its own achievement mechanisms, including the World Bank Fast Track Initiative (FTI). It also engendered monitoring mechanisms, especially clustered under the auspices of UNESCO.

Supranational governance in education goes beyond the UN and the MDG 2. I studied, for example, the OECD's Programme for International Student Assessment (PISA) and the EU's Tuning Project. These are instruments that are not directly related to MDGs, but have a bearing on how education policies are being made nationally and supranationally. These mechanisms have interacted little with the UN-wide Dakar Framework.

Despite the fragmented character of supranational education governance, where isolated international strategies have highly influenced curricula, teaching, and evaluation methods at the national level, some organisations do

work with overarching frameworks. The Global Campaign for Education (GCE) is an important example of a global governance mechanism provided in Chapter 3. It is an instrument engaging with grassroots, UN and non-UN actors, and articulating new means of advancing public education, understood as free education services provided by national governments. GCE's methods are truly innovative, but they still work with a vision of public education as designed and provided within the national territory and by national governments.

With just a few signs that education can be effectively envisioned as global public (with both international and governmental provisions leading the way,) public education as a policy-field has been considered challenging terrain for effective global education policies to be crafted.

### ***3.3 Global Social Policies in Global Health***

Unlike education, global health provides good evidence that public services are being increasingly designed and provided at the global level. There are several mechanisms that engage with nonstate actors, and a few that clearly engage with nonstate actors based on a sense of shared fate or other moral considerations. For example, the Partnership to Stop TB was created after decades of deficient international policy to control tuberculosis, a treatable disease that until recently killed more than two million people a year.<sup>24</sup> In addition, the World Health Organisation has engaged with a broad security strategy, inviting nonstate actors to participate in its epidemiological research

---

<sup>24</sup> "World TB Day: Two Million People Die Each Year; Drug Resistance is Growing" (press release, 2000) Doctors Without Borders  
<<http://www.doctorswithoutborders.org/press/release.cfm?id=537>>.

and alert schemes through the Global Outbreak Alert and Response Framework (GOARN). More recently, the Global Fund has not only funded epidemiological control but also supported initiatives to address correlated basic health lacks that facilitate contagion at the national level.

Following the tendency of addressing basic care issues through global social policy, I also accompanied the developments of the International Right to the Highest Available Standard of Health framework, which has been interpreted from an operational perspective, in the last ten years. This means that in the right itself there is an obligation to build accessible health care systems. Encompassed by this interpretation, a campaign for democratisation and distribution of Essential Medicines (EMs) was launched. Other campaigns associated with primary care or chronic issues came to prominence after the Millennium Declaration and were analysed by the case-study. They are the Framework Convention on Tobacco Control and the Partnership for Maternal, Newborn and Child Health.

### ***3.4 Policies and Mechanisms: Achievements and Promises***

New structures of international and global governance, such as the ones mentioned above, have created new ways of governing the social.

As forecasted by Rosenau, many mechanisms exceeded the boundaries of the laws and regulations available at the time of conception. The Global Outbreak Alert and Response Network – GOARN was presented as a clear example of how innovative mechanisms overrun regulations available and simply get



started.<sup>25</sup> Also, framework policies such as the Framework Convention on Tobacco Control created new forms of participation, both inviting and contesting the role of NGOs in global social policy-making. As demonstrated in the case of FCTC, participation of nonstate actors per se does not secure the democratisation of social governance processes and does not secure openness and inclusion at the global level.

In this context, the study of mechanisms and policies provides more than a list of new names and institutions, it highlights the urgent need for new considerations of publicness to emerge and be consolidated. The important social work of all these mechanisms and policies needs to be structured within a feasible frame of publicness in governance (rather than traditional government-related publicness).

Along with IGOs, transnational NGOs more often commit to providing public services. However, it is not yet clear what kinds of activities they exercise, and how their activities differ from one country to the next from one sector to the next and from one issue-area to another. In the area of maternal health, for example, NGOs are part of the Academic, Research and Training (ART) group that produced a statement in favour of concentrating their work on advocacy, monitoring and evaluation mechanisms that relate to the right to health of the world's women and children.<sup>26</sup> However, the NGO statement also ventured into a commitment to implementation which includes the strengthening of local capabilities “to develop, adopt, scale up” proven interventions and “to

---

<sup>25</sup> World Health Organisation “Global Outbreak Alert and Response Network” (2011) Global Alert and Response (GAR) < <http://www.who.int/csr/outbreaknetwork/en/>>.

<sup>26</sup> The Partnership for Maternal, Newborn and Child Health (PMNCH) Academic and Researchers Statement <[http://www.who.int/pmnch/events/partners\\_forum](http://www.who.int/pmnch/events/partners_forum)> 2010.

develop, test, and evaluate innovative approaches, including modern information and communication technologies to deliver essential, high quality health and social services and information, especially for marginalised and vulnerable groups.”<sup>27</sup> In engaging with delivery services, NGOs fulfil two traditional roles that are commonly associated with the third sector: they fill the gap left by states and create innovative ways to address persistent social challenges. These two roles are important, but they need to be exercised with an awareness that services provided should enjoy higher levels of publicness (with more opportunities for beneficiary input and scrutiny of outcomes). Levels of publicness in global social governance vary greatly, largely because the vision of publicness within global governance is relatively new, murky, and little explored.<sup>28</sup>

Increasingly, the approaches that have been considered more successful have emphasised a mix of cooperative and regulatory approaches with efficiency approaches. The Private Partnership Mix (PPM) subgroup of the Partnership to Stop TB has highlighted that “combining collaboration [sic] with regulatory approaches may help in more effective and faster” partnered interventions.<sup>29</sup>

---

<sup>27</sup> The Partnership for Maternal, Newborn and Child Health “NGO Statement” (2010) (PMNCH) <[http://www.who.int/pmnch/events/partners\\_forum/20101114\\_ngoStatement.pdf](http://www.who.int/pmnch/events/partners_forum/20101114_ngoStatement.pdf)>.

<sup>28</sup> Publicness at the global level has attracted more and more attention in the last two years. After the data collection for this research finished, two new articles were published that analysed publicness as related to 1) public-private partnerships and 2) Global Administrative Law. In the first article, the authors timidly acknowledged that publicness: “went beyond” the State or even government. Benedict Kingsbury, in assessment of publicness from a GAL’s perspective, also ventured to locate publicness outside of the state domain, but not beyond the inter-state domain and the realm of international law. See Benedict Kingsbury “The Concept of Law in Administrative Law” (2009) 20 *European Journal of International Law* 23. Contrast with Jennifer Brinkerhoff “Public-Private Partnerships: Perspectives on Purpose, Publicness and Good Governance” (2011) 31 *Public Administration and Development* 2.

<sup>29</sup> WHO and Partnership to Stop TB, above n 6, at 3.

The regulatory approach includes WHO's International Standards to Control TB.

Sometimes, complementary methods endorsed by nation states have considered public ends, other than speed and economic gains. They include "restricting access to anti-TB drugs as done in Ghana, Tanzania and Brazil" in order to avoid unnecessary sales and strictly control when and by whom these drugs should be sold and used; requiring certification and accreditation of care providers linked to national systems or insurance providers; and requiring mandatory notification of TB cases.<sup>30</sup> This complementary approach recognises some level of publicness of international and transnational actors' activities, building a public structure not only to regulate, but to hold together the global public service of TB control, whose main objective is "progressing towards universal access to quality TB care."<sup>31</sup> These complementary approaches, although successful in global TB governance, are not common.

Other examples of practical safe-guards include activities of the Global Campaign for Education, a multi-level partnership that focusses on access to education for all and on emphasising teachers' issues in the Education For All (EFA) strategy.<sup>32</sup> The GCE, by using transnational advocacy mechanisms has promoted the strategic grouping of teachers' unions transnationally as well as instruments to facilitate transnational support to country-based education claims (these include open letters to Congresses and Presidents, and

---

<sup>30</sup> Ibid, at 3.

<sup>31</sup> WHO and Partnership to Stop TB, above n 6, at 3.

<sup>32</sup> "Constitution and By-Laws" (2010) Global Campaign for Education  
<<http://www.campaignforeducation.org/en/resource-center>> ["GCE Constitution"].

worldwide collection of supporting signatures for GCE petitions.)<sup>33</sup> But, today, not all global actors work for recognisable public objectives.

Public private partnerships, even when formed at the heart of international organisations, such as UNESCO or the WHO, may not work for the public, but for the benefit of their major donors or other interested parties. In reality, ‘working for the public’ is not a criterion of global governance or good governance, as it is generally not a criterion used to authorise or de-authorise participation of single actors in partnerships. As such the infra-structure of global governance in public services does not engage with considerations of publicness.

Publicness within governance has not been a major, or at least an explicit, concern. For example, the MDGs have engendered UN-system action, especially led by the WHO and the UNDP. The WHO and UNDP have used the three spheres of action (public administration, global social policy, and service delivery) identified in the second chapter to conduct global governance in public services. They have assisted nation-states to create basic programmes, such as pre-natal care programmes and primary education schemes. They have engaged with nonstate actors to design and provide immunization and adequate nutrition, as well as construction of sewage and water systems; and they have directly delivered services when necessary (like in the case of WHO work in Sudan.)<sup>34</sup> Outside statistics and UN annual

---

<sup>33</sup> For one concrete example, see the work of the Global Campaign in the context of the Chilean struggle for better public education Global Campaign for Education “Chile” (2011) Your Country <<http://campaignforeducation.org/en/chile/>>.

<sup>34</sup> World Health Organisation Sudan Country Office “Secondary Health Care Experience in Emergencies – The Darfur Experience” (2009) World Health Organisation <<http://www.emro.who.int/sudan/Index.htm>>.

reporting, little is known about what beneficiaries are thinking/feeling/benefiting as a result of MDG work as a new policy guiding service delivery. Besides, there is a lack of information on how these services are ranked, designed, procured, and provided.

The commitment towards realising MDGs within the original time frame (2015) has fuelled the creation of many hybrid alliances, the engines of global governance today. Hybrid alliances have been effective in progressing towards meeting some MDGs.<sup>35</sup> There is little reporting of how the machinery to fund and administer hybrid alliances has been run on a daily basis; much less is known about the ethical considerations that guide daily action. In contrast, reports show that both economic interests and reluctance of major donors to provide more money have prevented hybrid alliances from being truly transformative.<sup>36</sup> Hence, MDGs have not had the type of real-world impact that was expected, being considered by some rather “under-ambitious” targets.<sup>37</sup> Some have considered them an all-around wrong social governance strategy, because it relies upon Official Development Assistance (ODA), quantitative targets and institutionalisation of the fight against poverty.<sup>38</sup>

---

<sup>35</sup> Six of the MDGs are directly related to health. The WHO considers health-related MDGs the following: MDG 1 (eradicate extreme poverty and hunger); MDG 4 (reduce child mortality); MDG 5 (improve maternal health); MDG 6 (combat HIV/AIDS, malaria and other diseases) MDG 7 (ensure environmental sustainability) and MDG 8 (develop a global partnership for development). MDGs 1, 4, and 5 are directly related to the establishment of functional Primary Health Care (PHC) systems. World Health Organisation “Health Related MDGs” (2010) <<http://www.who.int/gho/mdg/en/index.html>> .

<sup>36</sup> Richard Manning Using Indicators to Encourage Development: Lessons from the Millennium Development Goals (Danish Institute for International Studies, 2009) at [60-61] and [153].

<sup>37</sup> Ibid, at [59] and [89-91].

<sup>38</sup> Ibid, at [105-113].

In sum, hybrid alliances, their mechanisms of operation and their policies, have transformed the infra-structure for basic services (taking by reference what has happened in health and education and other areas related to the MDGs). This research signals that there is more money for and there are more actors interested in delivering public services after the MDGs. What is unknown is whether this new, attractive machinery has been useful to improve life conditions on the ground at the levels it could, if broader public principles were considered constitutive of any global social governance strategy.

#### *IV How it Happens Today*

Below, I summarise recurrent characteristics of global governance in public services as it happens today.

##### *4.1 Many Hybrid Partnerships for Public Services*

Hybrid partnerships with specific welfare goals are the engine behind global governance in public services. Hybrid partnerships make global social governance happen. But their status, rights and obligations vis-à-vis other actors and the public they serve is far from settled.

Hybrid alliances or partnerships are also called Public Private Partnerships (PPP). PPP is the most common form by which global governance in public services takes place. They are seen as technical partnerships, providing a service to a nation or to a group of individuals linked by a particular claim or need. For example, PPP have been used in global health governance to contain or eradicate communicable diseases, like in the case of the Partnership to Stop TB. More recently, they have been used to provide basic care, such as in the areas of maternal and child health. New public private partnerships for

services, which include partnerships for building public infra-structure, have been created in record numbers, given the Millennium Development Goals (MDGs) and the rapid growth of the non-profit sector in the 21st century.

According to Lee, global actors connect via a “systematic promotion of mutually reinforcing policy actions among government departments and agencies creating synergies towards achieving agreed objectives.”<sup>39</sup> In practice, alliances emerge once individualised attempts, often in the format of vertical interventions, fail (see the case of TB control) or will likely fail (see the case of controlling the outbreak of SARS). Synergies between State and nonstate actors, around agreed objectives, will depend on the policy area. The success of partnerships highly depends on the policy area, even if many of the social issues are today understood as inter-connected or overlapping.

PPP’s success depends upon the type of technical, financial, sociological and political environment constructed in a given policy-field. For example, policies in health, education, or housing may demand high-technology or low-technology services; may or may not provide actors with ready-available solutions; may or may not rely upon global funds to support them; may be less or more hierarchical; may or may not be perceived as urgently demanding collective action. These variables are able to reduce or enhance the publicness of policy responses.

---

<sup>39</sup> Kelley Lee and others “Global governance for Health” in Ronald Labonté and others (eds) *Globalisation and Health: Pathways, Evidence and Policy* (Routledge, New York, 2009), at 300 (citation omitted).

There is little research on how to build publicness in PPP involved with public services. But looking at the characteristics of individual policy-fields could help. PPP in public services are categorised as for health, for education, for housing, for infrastructure, etc. Besides scope and policy-field classifications, scholars and practitioners should devote more attention to studying the legal and cultural status of PPP. They are legally considered private; they are culturally and functionally perceived as public and, from a regulation perspective, they may be considered hybrids (although this is a relatively new scholarly construction).<sup>40</sup> Enhancing publicness in PPP relates to valuing the public role they play, and to bringing their operational strategies to bear on public principles.

Today, many public and private actors get together to help steer and row public services, helping to run global social governance. Agreed objectives define outcomes of joint action (such as providing 70% of the malaria treatment needed in the world; evaluating ten thousand of 15-year old students in dozens of countries every three years; or building 2,000 houses). While agreed objectives represent public goals, the processes of meeting them do not require democracy and publicity. Democracy and publicity are not major characteristics of global social governance today. The major characteristic is the use of many public-private partnerships, legally private actors, to deliver public services and meet specific social goals.

---

<sup>40</sup> Kent Buse and Kelley Lee “Business and Global health Governance”( World Health Organisation Discussion Paper n. 5, Department of Ethics Trade and Human Rights and Health Law, 2005) at 28.



## ***4.2 Rapid Development of Conceptual Tools***

Recently developed conceptual tools, like the Global Burden of Disease (GBD), Global Public Goods (GPG), the Millennium Development Goals (MDGs), and Social Determinants of Health (SDH), have become important instruments of global governance practice. Because they facilitate deliberation about global social priorities, they not only help to justify the need for global social policy, but also help practitioners to make sense of the global level as a politically and operationally viable environment and as a necessary space.

Global social policy makers, including philanthropists and high-level international officers, have mainly used these concepts to facilitate raking of social issues and to set global agendas.<sup>41</sup> Important global social initiatives like global campaigns to eradicate disease, the global social floor high-level talks, and the Global Campaign for Education have made use of these concepts.<sup>42</sup> Sometimes, practitioners prefer to employ these concepts rather than to employ the rights-based discourse. This preference came through, for instance, in the analysis of the World Food Programme's (WFP) documents related to distribution of cash and food vouchers. The WFP prefers to adopt MDG and GPG language to adopting the right to food framework.

The more scholars develop conceptual tools, the more practitioners appreciate the governance aspects of social policy, which is usually interpreted as mainly technical. For instance, the concept of Global Burden of Disease (previously discussed) has assisted public health scholars in bringing resources into the

---

<sup>41</sup> For analysis and examples of the applicability of these concepts, see the section titled 4.1.1 GPG Conceptual Tools: High Level of Applicability, in the previous chapter.

<sup>42</sup> For analyses of global health-related campaigns see Chapter 4; for analyses of global education campaigns see Chapter 3; and for more information on the global social floor, see Chapter 2.

governance of historically neglected diseases and into campaigns for democratising essential medicines.<sup>43</sup> The GBD concept promotes a more structural view of the world. Yet Global Burden of Disease (GBD) has been criticised because it adopts a quantitative approach to explaining lack of health, and consequently to addressing issues that involve pain and suffering. GBD, even if adopting a quantitative approach, provokes a structural analysis of poverty and of absence of service provision for the poor. As such, a GBD approach to global governance in public services may be criticised for quantifying suffering. However, the largest value of GBD as a conceptual tool resides in its ability to promote awareness about the geopolitics of disease, illiteracy, homelessness, etc. GBD has been widely used by international organisations and private philanthropies such as, the Global Fund and the Bill and Melinda Gates Foundation.<sup>44</sup>

Despite the wide use of scholarly-developed conceptual tools by practitioners, and the increasing use of scholarly networks as advisors to IGOs and transnational NGOs, each conceptual tool has its own critiques. Scholarly concepts should not be considered absolute tools – or magic bullets – but rather instruments capable of providing some guidance for those making social policy and setting agendas from the global level.

For instance, social justice scholars are sceptical about the significance and utility of the concept of global public goods, including its health version (Global Public Goods for Health). Scepticism is either because global public

---

<sup>43</sup> “Programmes and Partnerships: Global Health Programme; What We Do” Bill and Melinda Gates Foundation (2011) <<http://www.gatesfoundation.org/global-health/Pages/overview.aspx>>.

<sup>44</sup> Ibid.

goods represent universalist propositions in a world where altruism, ‘caring and commitment’ are absent, or because the concept in itself does not engage enough with altruism (‘caring and commitment’), promoting values-free frameworks.

In general, Global Public Goods (GPG) theory advances an economic and territorial approach to the process of identifying what is a global public good and what is not. In the specific cases of global health and global education, I previously discussed how an economic/territorial approach (interpreting public goods as those which are non-rival and non-exclusive across all global borders) is problematic, since it may lead to the exclusion of relevant global challenges (such as the control of malaria.) The limitation of concepts like Global Public Goods does not diminish their practical utility. GPG is very useful to explain the content of global governance in public services. Securitism is another important concept, but it rather explains the lens through which global public goods can achieve such status.

Securitism has succeeded as a strategy to advance global health governance (GHG) of communicable diseases; its limitations have helped to push for expanded GHG coverage towards primary health care. Governments often use securitism to justify global health cooperation to contain disease threats; at the same time scholars criticise it because the main objective of social policy should not be security, but in this case, broader health-specific goals. Securitism deals with transnational epidemics as systemic risks. Because of their-high profiles, epidemics are considered the major reason for public health cooperation among small and large, poor and rich States; the ranking of epidemics as a top objective begin to be contested by global health leaders, such as the WHO.

Systemic risk is the conceptual tool that has been used the most by IGOs and IFIs, especially working with global health. Simply put, it is the use of a security paradigm to guide health governance and global health policy. Security strategies have been deployed to advance global governance with mixed results. For example, global governance mechanisms deployed to control a clearly visible global risk (like contagion by microbial pathogens in a world where flights go everywhere from anywhere) are more successful in harnessing support from powerful players, and in achieving their targets. However, they might be counter-productive, addressing the consequences of often dysfunctional systems, rather than the root causes of social problems. Yet in global health, the high level of interconnectedness represented by communicable diseases has helped securitist discourses to be effective, promoting the diversification and advancement of global health governance mechanisms in other, broader, public health areas. The history of the global AIDS effort shows this connection: of how an epidemic can open opportunities for larger public policy areas to be advanced, like reproductive health.

Threats and emergencies can overshadow more fundamental, primary health care policies. Threats and emergencies promote cooperation reactively, rather than proactively; they take advantage of fear rather than of positive, moral values to engender cooperation. Advocates of the systemic risk approach, however, disagree. The World Economic Forum's report on global health describes the new paradigm of health as focussed on health security and controlling systemic risks. The report emphasizes that a systemic-risk approach can engender a more regular, long-time effect. It explains that "above all, people affected by health issues such as AIDS and breast cancer

have become powerful advocates and policy influencers, inaugurating an era in which people are increasingly acting as public agents for population health.”<sup>45</sup> Similarly, Fidler argues that the early initiatives to address HIV/AIDS did not try to retrofit the pre-existent WHO regulations, but to imprint a different, more humane approach. The campaigns looked at prevention and control of HIV/AIDS as part of the human right to health, creating innovative frameworks for mobilisation, such as adopting, for the first time, an anti-discrimination approach to disease prevention.<sup>46</sup> As long as securitism continues to channel energy towards expanding debate and practice for global health, its benefits will likely surpass its harms. This conclusion, however, is not shared by all.

Treating epidemics as security issues, rather than as a public health concern, may be necessary to attract political interest and policy attention to public health, so that the discourse can be, eventually, desecuritised. Kirton and Cooper, for example, believe in the strength of securitism in “public health governance today and [in] the continuing importance of this policy belief in the future.”<sup>47</sup> Most scholars agree with them. A few argue that the political gains of using securitism as a governance strategy are smaller than the damage it promotes on the ground in the long run. Yet securitism, and the feeling of shared fate – unfortunately difficult to replicate based on moral reasons – firmed public health as a global field.

---

<sup>45</sup> World Economic Forum *The Global Redesign Initiative Report* (2010) Global Redesign <[www.weforum.org/issues/global-redesign-initiative](http://www.weforum.org/issues/global-redesign-initiative)>.

<sup>46</sup> Fidler, D *SARS, Governance and the Globalisation of Disease* (Palgrave Macmillan, New York), at 40.

<sup>47</sup> Andrew Cooper, Ted Schrecker and John J Kirton “Governing Global Health: Challenge, Response, Innovation” (Ashgate, Burlington, 2007) at 41.

The debate about the content and impact of securitism on global health is far from resolved by the GHG literature. Cooper and Kirton defend that “conceptual order to the relationship between security and public health” is both absent and necessary. Conceptual order in this regard could facilitate understanding about the nature of health issues, when they are individual or when they are collective; when they are preventable or non-preventable risks; and when they require a global concerted effort. Conceptual order between securitism and other public services can help to advance better social governance as a whole.

#### ***4.3 Practice under the Development Umbrella***

Most of the global social policies mechanisms studied here hold a relationship to development. Development methods may promote economic growth through top-down interventions or conditionalities; create flows of funds outside public streams; rely upon voluntary or donor-driven reporting and oversight. In sum, many social policies become development projects and development officers often become the officials who truly make social law and policy. This contributes to the *projectisation* of the governing of the social.

Reliance upon the development infra-structure to promote wider intervention in public services can be associated with another structural trend, which is the reliance upon old, traditionally-public institutions to make global social policy. The publicness of IGOs, as representatives of the inter-state system, is presumed. However, IGOs also adopt development methods overwhelmingly, ranking technical and economic aspects higher than political aspects. For instance, the recurrent choice for technical assistance methods has diminished the transformative potential of UN’s social work.

Development programs, such as the MDGs, depend upon a readily-available welfare apparatus at the national level. However, since the 1990s national governments in the Global South have been requested by financial institutions to be *less social* and *more economically liberal*. When high-level officials, in great part inspired by Kofi Annan's leadership, signed the Millennium Declaration, they had a different mind-set: they conveyed a different discourse grounded upon values of universality and collective responsibility for social challenges, like poverty and lack of basic social services.<sup>48</sup> The latter *projectisation* of the millennium mind-set failed to represent the values it first embraced. It continues to impose on governments internationally-set targets, which are often impossible to meet. When Global South governments dismantled their social welfare apparatus to develop economically, they also disrupted their capacity to perform public functions. This is another reason for the global level to step in with a collective-responsibility approach.

The issue with the MDGs implementation agenda is not so much the results it wants to produce (although a quantitative approach has been criticised and not yet fully addressed).<sup>49</sup> Rather, it is the lack of a sense of shared agency, responsibility and authority spread out across multiple actors, including those with less formal political power (developing countries) and those without a presence in formal political circles. Inclusion at the output level, since the MDGs were previously set behind closed doors, is better than no inclusion at all. However, inclusion at the output level, such as when transnational, local and UN actors partner to deliver services to achieve MDGs, will not configure

---

<sup>48</sup> For more on the *millennium mind-set* refer back to Chapters 1 and 2.

<sup>49</sup> UNESCO *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

the level of publicness in global governance that I am arguing for. This requires higher levels of self-steering, and less of the top-down, internationally-set social policies that now form the core of the Millennium Project, and the UN broader development agenda.

Many scholars are sceptical of the ability of the development agenda to effectively deal with social challenges, especially global social challenges. These demands are beyond the capacity available at the national and the international levels. Since the 2005 Enron crisis, and the 2008 global economic crisis, the UN has talked about building mechanisms for global social governance that differ from development. New language to deal with social challenges has been allowed to surface, such as the global social floor, universal pension funds, and transnational cash transfers. These talks have made slow progress, which is not surprising. These new policies, if made available, would inevitably challenge the developmentalist approach and the political and economic hierarchies that have been established within it.

#### ***4.4 Undefined Division of Labour and Jurisdiction***

The lack of political and operational organisation within partnerships also undermines the possibility of effectively assigning roles, and dividing labour, for global governance in public services. While humanitarian work has already benefited from a better organised division of labour amidst the many players involved such as the Red Cross, Oxfam, and the UN agencies, global



governance in public services has emerged as a disorganised, scattered and fragmented endeavour.<sup>50</sup>

Lack of leadership in global governance in public services is observable in almost every mechanism studied. In general, there is not only a lack of an ideal candidate to exercise leadership, but also there is a lack of knowing the meaning of leadership in global governance and what types of activities a global governance leader should be responsible for. Political and legal leadership is considered difficult but urgently needed; technical leadership is considered more available, but usually used to overshadow the need for politicisation of issues. Moral and ethical leadership are lacking, but increasingly asked for by academics. All of these types of leadership have raised issues that vary from hegemonic concerns to who/ or which institutions can exercise one or all of these types of leadership. Leadership is understood here as “the ability of an individual [or institution] to influence, motivate, and enable others to contribute toward the effectiveness and success of the organisations [and of the partnerships] of which they are members.”<sup>51</sup>

Policy-fields organise the global public domain and influence decision-making about which new partnerships are needed. Global politics develop accordingly. Specifically in regards to global health, the WHO is uncertain about how and to what extent to politicise its work. In the 1970s, high income countries “argued that the WHO was [inadequately] engaging in ‘political’ issues.”<sup>52</sup> As global health governance advances operationally and theoretically, the debate

---

<sup>50</sup> Oxfam International “OI Policy Compendium Note on Humanitarian Coordination” (2008) Oxfam International Publications < <http://policy-practice.oxfam.org.uk/publications/humanitarian-coordination-114996>>.

<sup>51</sup> Lee and others, above n 39, at 307 (citation omitted).

<sup>52</sup> Ibid.

about the degree of political activities in the WHO also moves on. For instance, the WHO has both opened and closed opportunities for nonstate actors to participate in health governance, depending on their relationships to the broader public interest. These moves, however, are not common practice and tend to be associated with technical mandates. For instance, the WHO has been active in scrutinising NGO participation in the context of tobacco control. As political initiatives, they provoke further questions about whether the WHO should (or is prepared to) undertake a global political role that would require a different type of relationship with new publics.

Confusion about political leadership and coordination roles has provoked several misunderstandings in theory and practice. For instance, on the ground, in the course of providing public services, confusion is plentiful about autonomy and authority, and who tells who what to do when public provision is needed. For instance, while humanitarian organisations, such as Oxfam and the Red Cross, have already taken steps to divide labour and organise their local partners to work under that strategy, the same discussion about division is yet to happen in terms of social policies, as of now delivered under the large development umbrella. As the point of reference for execution of regular public services moves away from the nation-state, in practice, many NGOs, IGOs, grassroots organisations involved with provision, or wanting to get involved, simply do not know what to do or to whom to ask for support. At the same time, the most powerful global actors generally do not have a protocol for leadership, mediation, or coordination to follow. Organisations decide about these actions in isolation.

In global social governance, leadership, coordination, and mediation lack clarity, publicity, and organisational strategies to absorb all the resources

available. Global social governance, therefore, lacks effectiveness. This observation leads to important inferences. First, global governance actions are challenging especially because they are supposed to include as many stakeholder as possible. Second, leadership, mediation and coordination will not turn out clear and effective without a deeper assessment of who exercise public roles and which new considerations of publicness the global level entails.

### *V What's Wrong*

Most of the time, critiques against global social governance are in fact critiques against top-down supranational social policies, generally interpreted as global governance. Global governance, as envisioned by James Rosenau in the 1990s,<sup>53</sup> refers to processes that allow society to “steer itself, and the dynamic of communication and control are central to that process.”<sup>54</sup>

Frequently, critics misunderstand global governance theory, reducing it to variations of (bad) economic globalisation or of domestic liberalisation. Specifically, critics confuse global governance with domestic governance, reinterpreting global governance as attempts to privatise, to marketise the social, legal, and political jobs that the State would traditionally perform. Although domestic governance and global governance represent very different things, confusion is easy to spot in the specialised literature.<sup>55</sup> Conceptual

---

<sup>53</sup> See the original James N. Rosenau "Governance, Order, and Change in World Politics" in James N. Rosenau and Ernst Otto Czempiel (eds), *Governance without Government: Order and Change in World Politics* (1992) and the more recent JN Rosenau *Along the Domestic-Foreign Frontier: Exploring Governance in a Turbulent World* (Cambridge University Press, Cambridge, 1997).

<sup>54</sup> JN Rosenau "Governance in the 21st Century" (1995) 1 *Global Governance* 13 at 13.

<sup>55</sup> For more on this differentiation, see Chapter 1.

confusion only increases the ambivalence against social governance at the global level; it reproduces perceptions that global social governance will necessarily use business-like or top-down practices that prevail at the domestic or international level; and it dilutes faith in the capacity of the global level (its mechanisms and conceptual tools) to innovatively represent global public interests.

As I argued earlier not only theoretical, but cultural, legal, economic, and political challenges have prevented the “global public service language” from evolving, but not the “global service structure” from growing. This service structure is often led by international organisations. Critiques have not prevented practice. For instance, many global mechanisms and policies have been generating public health services. Doctors without Borders count with more than 15,000 medical professionals and hundreds of health programmes around the world;<sup>56</sup> the Global Fund to Fight Aids, Tuberculosis and Malaria is responsible for funding more than 70% of the most adequate treatment to control Malaria;<sup>57</sup> and the OECD’s worldwide student evaluation, called the Programme for International Student Assessment (PISA), had conducted four cycles of large-scale assessments by 2009.<sup>58</sup> PISA has assessed literacy in math, reading, and sciences of more than one million pupils, since year 2000. In each cycle, PISA evaluates “between 4500 and 10000 students from at least 150 schools ... in each country.”<sup>59</sup> In 2009, 67 countries took part in the

---

<sup>56</sup> Redfield, Peter “Doctors, Borders and Life Crisis” (2005) 20 Cultural Anthropology 338. (ADD).

<sup>57</sup> J Cohen, I Singh and ME O’Brien “Predicting Global Fund Grant Disbursement for Procurement of Artemisinin-based Combination Therapies” (2008) 7 Malaria Journal 200.

<sup>58</sup> OECD *PISA 2009 Assessment of Framework: Key Competencies in Reading, Mathematics and Science* (Programme of International Student Assessment, 2009) at 11.

<sup>59</sup> Ibid.

assessment, comprising “almost 90% of the world’s economy.”<sup>60</sup> “Policies like PISA demonstrate that the OECD can actually provide governments with high-quality, immediately policy-relevant services and can thus be more than an expensive think tank.”<sup>61</sup> In many countries, PISA meant a “radical policy change.”<sup>62</sup>

International and transnational actors are rapidly making their way into schools and universities, hospitals, laboratories, and popular housing projects. In the 20<sup>th</sup> century, the modern State entered these spaces, which have been historically considered vital for organising social life inside of a town, a province or a country. The modern State transformed these spaces by creating a government-ran public model. Multinational companies, transnational NGOs, and even IGOs dealing with social policy and often creating radical change are yet to create their public model and public traditions that are compatible with the multi-actor, global political space. In fact forms of expressing publicness, including the old model, have been lost in the global transformation of public services.

Paul Hunt, the former UN Rapporteur for Economic and Social Rights (ESR) illustrated this situation well, suggesting that if pharmaceutical companies are coming into the delivery of essential medicines, some governmental traditions should also make their way into the pharmaceutical company.<sup>63</sup> This critique

---

<sup>60</sup> Ibid.

<sup>61</sup> Armin von Bogdandy and Matthias Goldman “The Exercise of International Public Authority through National Policy Assessment” (2008) 5 International Organisation Law Review 241 at 243.

<sup>62</sup> Ibid, at 255.

<sup>63</sup> Paul Hunt and Rajat Khosla “Are Drug Companies Living Up to Their Human Rights Responsibilities? The Perspective of the Former United Nations Special Rapporteur” (2010) 7 The PLoS Medicine Debate.

is relatively new, and useful for the advancement of the debate about publicness in global social governance practices. Hunt's call for more publicness in the work of pharmaceutical companies delivering essential medicines has fallen on deaf ears.

A degree of ignorance in regards to the global public domain, accompanied by a lack of attention to critiques may have benefited global social governance. It may have facilitated speedy development of policies and mechanisms. It is becoming more apparent, however, that ignorance of the global public domain and lack of attention to recurrent critiques involve high risks of failure. It may be the time to take a step back.

### ***5.1 Main Challenge: Issues of Publicness***

The global level is a *new political ecosystem*. Research has yet to characterise this political ecosystem, to define the roles of its players (especially the commercial sector) and of its priority-themes.<sup>64</sup> In sum, practitioners and scholars have taken only a few steps to assess the current and the ideal make-up of this new eco-system, which inevitably absorbs and reshapes aspects of publicness and public service provision. For instance, specific challenges vary from addressing transnational demands for services while respecting and engaging the local context to creating funding schemes outside the nation-state and regulating the use of resources geared to global social policy making and service delivery. In fact, most of the challenges faced by global social governance today dwell on issues of who and what constitutes the social

---

<sup>64</sup> Ilona Kickbusch "Global Health Governance: Some New Theoretical Considerations on the New Political Space" in Lee, Kelley (ed) *Globalisation and Health* (Palgrave, London, 2003) 192, at 192-193 (citation omitted).

realm, who takes part and owns social processes, and who exercises political authority in the 21st century. These are global publicness types of considerations.

Ambivalence towards the language and practice of global publicness is a basic feature of global governance; it flags resistance to the global level as public and as capable of serving egalitarian agendas. Although most scholars and practitioners value *the public*, official documents and specialised literature analysed in the case-studies reveals scepticism around the language of the global public. The case-studies reveal preference for the public interpreted as State-centred.

Mostly, the public is accepted and traditionally understood as the nation-state. Because of the rapid growth of partnerships between the State and other actors (hybrid alliances), the new faces of the public figuring in practice require different political interpretations. Despite an increasing acceptance of publicness as a function of hybrid organisations, there is still resistance against the global public discourse. Put simply, the global aspects of publicness (and consequently, the recognition of a global public sector) have been overlooked. Yet global actors are increasingly designing and providing public services.

Global actors resist the language of publicness because it entails ethical, political and legal responsibilities that, today, do not come attached to participation in global social governance. Put simply, global social governance is generally understood as technical – hybrid alliances grouped together to deliver policy-specific goals. Interpreted merely as technical enterprises or administrative frameworks, global social programmes, policies and projects are simplified. They do not require as much deliberation (the political aspect)

as they have fewer legal consequences (for example obligations to perform, to achieve results, and liabilities.)

This thesis's case studies have shown that international and transnational actors steer and often row public services, while silent about global publicness. They are also silent (sometimes inflexible) about the legal, political, and ethical responsibilities that should emerge from steering or rowing in the public sector. The officials of the 21st century do not engage with public services conscious of their participation in a public sector that is global; they do not label themselves global public actors or part of the global public sector. Besides, not only practitioners fail to recognise global public functions. Global public theory is currently underdeveloped, and academics lack expertise on global social governance and global publicness. There is only scattered knowledge about the global aspects of publicness, and about the partial relocation of public services to a level that overlays the State and that behaves orderly enough to be recognised as a public sector.

This thesis's case-studies have also signalled that national, international and transnational actors already know whom to ask for funding for housing, education, and health when the national level cannot or does not want to deal with these demands. Global actors ask for funding and policy-guidance with a range of objectives, including building houses, creating and executing worldwide student assessments, or distributing drugs. Actors who fund as well as actors who ask for funding are important agents of global social governance; they might or might not work together with States. However, they have not been pulled together and integrated under a global public sector model. This is still needed.



Transnational NGOs, IFIs, and IGOs work in public services with a relatively well known profile, and well known *modus-operandi*. However, their status as public or private is not as well known. This fact is not irrelevant. I speculate that the Red Cross has been perceived as a public entity for years, benefitting (via donations) from such cultural status. Such status comes with an ethical challenge that relates to its legal and political private status. The Red Cross has benefitted from a cultural belief in its functional publicness (from private donations, to tax benefits, to public funding, to in-kind contributions.) At the same time, the Red Cross does not take on liabilities as a public entity, does not hold an obligation to beneficiaries as a result of citizenship; and does not follow procedures that secure administrative justice. The Red Cross's legal private status and political independence protect it from taking on these kinds of obligations and relationships.

States – and sometimes the United Nations as in the case of the Ethiopian famine in the 1990s and recurrent in 2011 – pick up responsibilities in humanitarian work. The work of Red Cross International has not been exclusively humanitarian, but related to basic health. It may include, depending on the country, ambulance services and a great number of blood services, provided on a regular basis to States and private health practices.<sup>65</sup> These facts only contribute to a debate about mismatching functions of the Red Cross (public), the general perception about its functions (arguably as public), and the legal and political status it enjoys (private). To a certain extent

---

<sup>65</sup> For more information on how the Red Cross is perceived as a non-profit entity see H Hansmann “The Role of Nonprofit Enterprise”, 89 Yale Law Journal. (1980) 843. For a list of services of the Red Cross see International Federation of Red Cross and Red Crescent Societies “Health and Social Services” (2011) What we Do < <http://www.ifrc.org/en/what-we-do/health/>>.

public work is self-explanatory, no matter if conducted by governments or transnational organisations.

Public functions easy to recognise— like the control of epidemics, blood services, and the provision of food – should inform the constitution of the global public sector, the actors and the policies under its auspices. If there is a popular understanding of what global public work is, then, it is possible to delineate and further develop a global public sector. I am not judging these facts as beneficial or harmful. At this point, I am just saying that the global public sector and the responsibilities that emerge with global publicness should not be ignored, but better understood and organised. According to JG Ruggie, those who do ignore the existence of the global public domain (a broader environment in which an alleged global public sector is emergent) do so at their own peril.<sup>66</sup>

Academics and practitioners are reluctant to recognise publicness in global governance; disagreement with publicness relates to disagreement about having a global bureaucracy as a centralised provider. In other words, engaging with the language of global publicness could send wrong messages related to attempts to form a world government. Academics and practitioners also fear that engaging with global publicness may send a contrary message: that they are distancing themselves from public provision (free and government-ran) and getting closer to encouraging privatised services or fees-bases systems run by multinational corporations. Again, these disagreements signal confusion, since publicness in global governance is completely different

---

<sup>66</sup> JG Ruggie “Reconstituting the Global Public Domain – Issues, Actors and Practices”(2004) at 521.

from suggesting a centralised bureaucracy or from encouraging business-like practices to address global social challenges.

The marketisation of public services – exacerbated by economic globalisation – have displaced the public so badly that, for many advocates and social justice scholars, it is difficult to envision the global level as a suitable space for publicness to relocate to. For example, important public theorists, like Clarke and Newman, refrain from using the language of the global, or even situating analysis of the transformation of public services outside the national unit.<sup>67</sup> In addition, Clarke and Newman depart from the premise that public services are no longer part of a public sector, which is one of the main points they sustain as curious and worthy of investigation. They analyse, for instance, the “new arguments about the public roles of public services, even where these no longer form part of a public sector.”<sup>68</sup> They refer to the traditional public sector model, to publicness within government.

The distribution of medicines, the large-scale evaluation of students, the mass construction of popular housing and the worldwide provision cash vouchers for food are policies and mechanisms that are now part of the transnational sphere. Frequently, they represent the goals of organisations (transnational, international, national and local) that get together to achieve outcomes that otherwise would be impossible. Because these common goals implicate larger transnational constituencies, governance activities should be as politically open and as visible as possible. They should enjoy higher levels of self-steering.

---

<sup>67</sup> Janet Newman and John Clarke “Introduction” in *Public, Politics and Power: Remaking the Public in Public Services* (Sage, Los Angeles, 2009).

<sup>68</sup> Ibid.

The exercise of constructing the ideal context for global social governance to take place, a context that favours higher-levels of self-steering in very specific global social policies, I call an exercise of seeking maturity for global social governance. Maturity is a new approach to pursuing a stronger global public domain.

A stronger global public domain is a condition to more effective global social governance; constructing this new political space as global and public requires a change of values – especially political, but also moral. It requires patience and persistence to progress a little at a time. More pragmatically, it requires that certain vital, but contentious, elements of global publicness be identified and nurtured over time; for that a change of consciousness is needed.

The maturity approach recognises how difficult it is to promote the political, cultural and moral transformations required to fortify the global social realm as public. It also acknowledges, at a more practical level, that efforts towards strengthening global publicness and, thus maturing for global governance, are urgent. They are as urgent as coming up with new mechanisms of global social governance which can provide basic needs for people that have been historically unattended. The maturity approach is not outcomes-based, rather it focusses on more fundamental changes; on setting the context right.

I introduce the maturity approach in the next, and final chapter, as a way forward. I do not intend to provide a flawless or conclusive framework for maturity, but rather build upon scholarly work that suggests that, rather than more institutions, policies and mechanisms, it is time to think about more fundamental changes that can strengthen the global public domain and, as a result, improve global social governance. Hopefully, a maturity approach will provide a framework that we, as a global society organised in local

communities, can get behind. Hopefully, we can work with it and face the daunting task of pursuing long-lasting, structural changes as not so daunting.

*Chapter 6: IMPROVING GLOBAL SOCIAL GOVERNANCE:  
PROPOSING A MATURITY APPROACH*

*“The real solution lies in a world in which charity will have become unnecessary.”*

*Chinua Achebe*

*I Function of this Chapter*

This chapter suggests a new, creative approach to improving global social governance. The choice for prescribing a creative, values-based approach to global social governance, instead of a more pragmatic approach, was deliberate. The proposal of a maturity approach is, in short, a call for a change of mind-set and for reframing, once again, our understanding of publicness. Arguably, pragmatic frameworks are unlikely to overcome bottlenecks currently spotted in global governance processes, if not followed by a set of fundamental principles, related to the global level as a new political ecosystem that is still under construction.

While there is a reasonable amount of innovative policies, programmes, and legal frameworks being used to address global social inequalities and a more equitable distribution of social goods and services, these have not been, albeit valuable, transformative. The Millennium Development Goals (MDGs), the Alma Ata Declaration, the Education for All platform are good examples, which have been scrutinised by this study. Along with these initiatives it is still

necessary a paradigm shift, which relates to understanding the global level, global goods and the processes of providing them, as ultimately public.

Although the prescription here is for a values-based approach, it is not to be regarded as a rhetorical proposition. A maturity approach is tangible and feasible. It proposes that the elements of maturity be considered as the backdrop for every policy, program and international convention that will deal with the design and provision of social services and of global goods beyond the nation-state. If the elements of maturity proposed here be considered as background for global social policy making, arguably, chances of success are higher and concrete benefits might be many.

The proposal of a maturity approach relates to gradually enhancing global publicness and strengthening the global public domain as the ideal political context for global social governance. It argues in favour of developing *maturity for global governance*, with the purpose of nurturing the ideal space for global governance frameworks to thrive.

This chapter also introduces elements of the maturity. The elements of maturity form the structure of the theoretical prescription, exploring concrete tools and ideas that can concretely inform more effective global social policy-making. The elements represent key, preliminary ideas and tools that should be expanded through future research and action.

Final considerations bring this chapter, and this thesis project, to a close.

## *II Improving Global Social Governance: Proposing a Maturity Approach*

Previously, I argued that the main challenges to global social governance boil down to a lack of global publicness and, relatedly, the lack of self-steering in governance frameworks. Building global publicness requires a better-understood and a stronger global political context, the global public domain. Constructing this better political context is not an easy task. There are political, legal, moral, and cultural traditions to be revisited.

Creating a better political context for global social governance requires more than new institutions and partnerships; it requires profound, macro-level changes to accompany the wave of innovation taking place at the global level, especially the design and provision of public services. A maturity approach recognises the long-term processes involved in building a more favourable political context. It also implies that more effective frameworks are possible and easier to be developed when maturity is used as a lens to understand the content and the objectives of global social governance.

In the first chapter, this research dealt with early writings on global governance, which made clear that the capacity and the will of peoples to self-organise and self-steer make up the content of global governance.<sup>1</sup> In turn, the need to revisit and promote self-steering as a necessary component of global governance is at the centre of an argument in favour of building maturity.

---

<sup>1</sup> See the original James N. Rosenau "Governance, Order, and Change in World Politics" in James N. Rosenau and Ernst Otto Czempiel (eds), *Governance without Government: Order and Change in World Politics* (1992) and the more recent JN Rosenau *Along the Domestic-Foreign Frontier: Exploring Governance in a Turbulent World* (Cambridge University Press, Cambridge, 1997).



Maturity becomes a means to enhancing global publicness, which is, in a frame of governance, closely linked to creating a context in which higher levels of self-steering can actually develop.

Self-steering is the arrangement by which global agents, including policy beneficiaries, become one group linked together to address a social challenge or produce a common goal. Self-steering defines new political linkages among global actors. At the global public domain, the political linkage is not defined by territorial lines, voting or representation, but by solidarities and by the need or desire to jointly face a global challenge and achieve a common goal. In this fashion, self-steering is not only about how actors will relate to each other, or about an administrative methodology; self-steering redefines politics and builds global publicness because it brings more people into the process of decision-making.

In a global governance frame, beneficiaries need to become agents. Beneficiaries of global social policy are recognisable cross-border groups (like those infected with TB, or 15-year old students, for example.) Searching for higher-levels of self-steering opens opportunities for beneficiaries, through networks, successful local projects, or other means to become agents.

Better frameworks of global social governance relate to enabling higher levels of self-steering. Nevertheless, self-steering, even if the back-bone of original visions of global governance, has been ignored. Firstly, the maturity approach aims to fill this gap, by seeking to build a political context that encourages self-steering.

The case-studies (Chapters 2,3,4) showed that considerations about self-steering, or about other means of enhancing publicness, were generally

overlooked in the practice of global social governance. These considerations need to be put back into global social governance discourses and applications. The same considerations come along with claims for democratic governance, ethics, and humane governance. All of these claims, however, require building a global public domain that can promote more self-steering. Promoting self-steering is a daunting task. This claim seems indisputable.

Promoting higher levels of self-steering will not happen overnight. It requires not only a debate about better operational frameworks for public private partnerships, but also a change in values; it requires people and institutions to recognise and exercise political power differently; to engage at the global level in a socially and politically organised way. This thesis's case-studies demonstrate that, today, public-private partnerships face serious difficulties in understanding leadership, coordination, the definition of autonomy, and division of labour. Besides, they still operate in a hierarchical, political structure, where international organisations and international financing institutions often dictate the rules. These operational and political features harm attempts to enhance levels of self-steering within governance.

In order to enhance self-steering, and consequently, publicness in global governance, a new political context needs to be built. The research shows that the types of services that are now provided at the global level, especially food and medicine distribution and others related to MDGs, require macro-level changes, which relate to values and to the organisation of a new political space.<sup>2</sup> It also shows that effective global governance does not require more new policies, new mechanisms, and new institutions at the same level that it

---

<sup>2</sup> For a discussion on MDGs see Chapter 2, for a discussion on health-related services see Chapter 4.

requires a new context, new foundations. These foundations, as they enhance self-steering, will also advance democratic governance and, eventually, foment better policies and practices.<sup>3</sup>

So, the question is how to go about these macro-level, foundational changes.

A maturity approach highlights that effective global governance requires a long process of constructing a global public domain that, at a minimum, is able to more frequently and more inclusively host:

1. deliberation about common, global priorities;
2. recognition and validation of grassroots claims of transnational repercussion as expression of public choice;
3. structural organisation of themes that are interconnected historically, environmentally, socially and economically;
4. the understanding of ethical arguments as sufficient reason for collective action;
5. global literacy, information and intelligibility that refer not only to country-to-country data, but to data that showcases transnational types of group affiliations (including race, gender, and age).

---

<sup>3</sup> The United Nations Programme for Public Administration (UNPAN) works under a frame of democratic governance, but always within countries (not transnational, for example). According to the UNPAN: “More countries than ever before are working to build democratic governance. Their challenge is to develop institutions and processes that are more responsive to the needs of ordinary citizens, including the poor. UNDP brings people together within nations and around the world, building partnerships and sharing ways to promote participation, accountability and effectiveness at all levels. We help countries strengthen their electoral and legislative systems, improve access to justice and public administration, and develop a greater capacity to deliver basic services to those most in need.” UNPAN “Democratic Governance” (2008) UNPAN Directories <<http://unpan.org/tabid/456/ItemID/53/language/en-US/Default.aspx>>.

The global public domain should enjoy these five qualities. I term these qualities – that relate to global publicness and that should abound – elements of maturity.

A maturity approach therefore aims at developing these elements. Arguably, they function as building blocks of a better political context for global publicness, and consequently for better global social governance frameworks to flourish without a global government. This approach believes that global actors should aggressively invest in harnessing elements of maturity. Global actors (grassroots leaders, IGOs, NGOs, and TCN representatives, national government officials, and governance scholars) questioning about what is needed to *mature for global governance*, and genuinely attempting to respond to it, can begin to reconstitute the global public domain; embrace global publicness; and harness a more favourable context for global social governance.

As global social governance has organised itself through policy-lines, elements of maturity will be less or more able to surface depending on the characteristics and resources available in each policy-field.<sup>4</sup> Working with elements of maturity within globalised social policy-fields, such as global health, becomes a practical way forward.

Within each policy-field these elements inhabit challenging spaces. They will raise numerous conflicts, methods and opportunities that only reinforce the

---

<sup>4</sup> When I refer to developing the global public domain by sectors, I do not mean to deal with each sector in isolation. In fact, issue-link has been a consolidated aspect of global social governance. Therefore, what I mean is that each sector (hosting only a few or many inter-related issues) provides different opportunities for improved global governance frameworks to emerge, presenting challenges and promises of their own.

need for a maturity approach. I believe that these challenging elements, identified as elements of a process to create a better political context (thus of maturing, of becoming ready) rather than either immediate goals or unfeasible aspirations, might feel less abstract, less impossible to attain. Elements of maturity may sound more appreciable and tangible when understood as part of a long-term process that society chooses to move forward day by day.

Finally, a maturity approach is not suggested as a magic-bullet approach. It is not outcomes-based focussed as institutionalist strategies or targets-based strategies, like the MDGs. On the contrary, it is preparatory work long overdue; it aims at making the search for a better global context and the pursuit for a more public, democratic, and humane global domain appreciable and workable, one step at a time.

### *III Why A Maturity Approach?*

A maturity approach reveals that global governance in public services requires a given political context to be effective. The current context (as the critiques to the Millennium Project illustrate), unfortunately, falls short.<sup>5</sup> Isolated global public services and global deliberative spaces have emerged, but within a territorial political culture and within an administrative culture that recently suffered changes itself – changes that made it less public and more business-

---

<sup>5</sup> Critiques to the Millennium Development Goals (MDGs) include that the goals quantify complex, social problems; that they underrate the complexity of these social problems since they believe that they can be solved by the reaching of pre-fixed benchmarks in a relatively small period of time; that they represent yet another form of imposing the social framework of rich countries upon the small and poor; and that the MDGs depend on the donation of rich countries, thus following a charity approach. All of these critiques seem to resonate with a global political context that is immature: not ready to implement genuine strategies of global social governance because it is not ready to open up for new ways of working through self-steering and collective rowing, when it comes to facing global social challenges.

like. Although scholars are not sure what this new, ideal political context looks like, they seem to agree that it does not look like any traditional depiction of the statist public domain.

Normative visions of global social governance have contributed little to the construction of a better political context. Although they suggest how to make global governance more just or more operationally sound, these thoughts will not be able to materialise outside an accepted global public domain. The consolidation of the global public domain requires prior debates about: what publicness looks like; how publicness can be built if deeply-held beliefs still hold the public sphere as exclusively statist and the beneficiary as incapable of governing, and what constitutes global commonness vis-à-vis what constitutes the priorities of the State or of a few. These macro-level, fundamental debates, I suggest, are both the reason for and part of the process of constructing global publicness (one manifestation of publicness within governance) and seeking maturity for global governance.

A maturity approach is a new, creative proposition especially situated within a larger inquiry about how to build publicness within governance, and not government. Global governance, international human rights, development, and public administration scholars have thought more about improving or creating public private partnerships than about the current and ideal political context for them. Global constitutionalists, transnational democratic and global justice theorists have explored contextual questions, but not from a maturity perspective.

A maturity perspective is compatible with a range of previous, normative propositions related to better global governance. For example, it agrees with authors that have claimed for more democratic, more humane, and more just

global governance.<sup>6</sup> Yet a maturity approach is not an argument of this sort. It is a way to approach these normative propositions, based on what has been observed in the context of global governance in public services. It is how to face the daunting task of crafting more humane, more just, or more democratic public private partnerships, by nurturing a more fertile context where these previously theorised visions can be realised. Thus a search for maturity is partially a search for how to make possible key elements of these thoughts, which function, therefore, as reasons why a maturity approach is necessary. Below, I expose the visions of global governance that inspire a maturity approach.

First, I draw from Evan Luard. He masterfully imagined how the nation-state needs to be able to both relinquish power to *stratospheric* organisations and, at the same time, use local needs and the work of local organisations as *lightning rods*.<sup>7</sup> The State is envisioned as an institution that opens opportunities and directs public service provision upwards (at the functional supranational level) and downwards (at the local level especially through partnering with local business and communities).

Second, the suggested reforms of international financial institutions and the UN's General Assembly are mentioned as potential avenues for immediate improvement, while new forms of from-below political organisations become

---

<sup>6</sup> Richard Falk "Humane Governance for the World: Reviving the Quest" (2000) 7(2) Review of International Political Economy 317.

<sup>7</sup> Luard's political philosophy was explored in further detail in Chapter 1. Evan Luard "The Globalisation of Politics: The Changed Focus of Political Action in the Modern World " (Macmillan, London, 1990).

stronger and more widely recognised.<sup>8</sup> Increasingly, experts recommend that democratising provision of global public services should be made through bridging transnational and international organisations and local organisations. This has led to concepts such as glocalisation and more public-private partnerships.<sup>9</sup>

Third, I also ground my arguments on the belief that public-private partnerships must work, first and foremost, for the public.<sup>10</sup> Public goals, however, are challenged by their vagueness at the global level (since it is not clear which issues are of global public interest) and by the prominence of self-interest or enlightened self-interest as reasons for creating public-private partnerships.

Lastly, deep democracy is another vision that inspires a search for maturity.<sup>11</sup> Deep democracy refers to speeding up or trickling down forms of decision-

---

<sup>8</sup> JR Groom "Getting to Go: The Birth of the UN System" in JR Groom and Paul Taylor (eds) *The United Nations at the Millenium: Principal Organs* (Continuum, New York, 2000) .

<sup>9</sup> V Roudometof "Transnationalism, Cosmopolitanism and Glocalisation" [2005] *Current Sociology* 113.

<sup>10</sup> Contrast with Kent Buse and Kelley Lee "Business and Global Health Governance"(World Health Organisation Discussion Paper n. 5, Department of Ethics Trade and Human Rights and Health Law, 2005).

<sup>11</sup> Deep democracy and the "speeding up" of participation have been suggested by cultural globalisation scholar Arjun Appadurai. Most scholars suggest "to scale up" rather than to "speed up". Nevertheless, Appadurai suggests to speed up processes that started from-below, giving to organised communities more fuel to run their action-plans effectively, rather than using larger organisations to bring successful, local stories up-to-scale. In this fashion, therefore, Appadurai envisions international organisations, donors, the nation-state as enablers and the community as both agenda setters and executors. Speeding up processes on the ground require that local communities be given the tools they already determined they need to continue social work they designed and now want to implement. This proposition seems far from effectuating because it requires higher levels of trust among supranational actors, the State, and local grassroots organisations. It also requires the reframing of the understanding of the positions of who governs and who is governed. Despite the challenges, "speeding up" is an useful framework to understand how self-steering could be enhanced in practice. A Appadurai "Deep Democracy: Urban Governmentality and Horizon of Politics" (2002) 14 *Public Culture*.



making. It opens up opportunities to organise delivery schemes for services like housing, child care, and immunisations; and it displays the self-organising capacity of communities formed around common interests. Generally, however, global agendas aim to reach internationally set goals and not necessarily community interests; this happened to the MDGs. In general, MDGs were not based on the result of public consultations or other types of participative processes.

Deepening democracy would require deliberation at different levels of governance, especially when the object is social policies with transnational repercussion. Deliberation would impact on the content of policies and on their execution plans; execution-plans should take advantage of community-based initiatives already started by grassroots groups at the local level. It could also take advantage of the will of local business owners to contribute.

Successful community projects should not be scaled-up. They should rather inspire global actors to find and support more of these projects worldwide as a means to govern the social. As a result, deeper forms of democratic governance would likely enhance levels of self-steering in policy responses, like the MDGs. Enhancing self-steering and fostering deep-democracy can, therefore, be interpreted as mutually beneficial.

All these visions, at higher or lower levels, relate to realising the promise of global governance as a theory of self-steering. They matter to global social policy-making, as they increase the potential of global governance to succeed as the chosen methodology to address global challenges. While these

suggestions (and so many others similar to these) are invaluable, they proved to be hard to materialise without a better defined global political context.<sup>12</sup>

The main problem in how global social governance currently happens is that international and transnational actors make important decisions about welfare and create new services without caring for the historical public nature of these decisions and services. Similarly, these decisions and services have not been debated enough in academic and political circles from a public law perspective. They have been debated as development; they have been debated in their technical aspect, but not in their political and ethical aspects. The question is, then, what to do.

Based on the argument that challenges against global social governance boil down to lack of publicness, I suggest that more time needs to be devoted to developing a better global political context (at the same time that we discuss new, more pragmatic frameworks for global governance.) To face this grand challenge, a maturity approach is required.

#### *IV A Way Forward: Nurturing Elements of Maturity*

Based on the research conducted thus far, five elements of maturity for global governance have been selected. They should be further researched and gradually integrated into the processes of global social policy making.

---

<sup>12</sup> One good example is the history of the Partnership to Stop TB. It took more than one decade for TB control to make into the global social governance agenda. Just recently, the TB campaign became a global, partnered effort. Even with the success of the Stop TB partnership, TB continues to be a serious health threat in many countries of the world. Besides, many other treatable diseases continue to be neglected. For more on neglected diseases see World Health Organisation *Working to Overcome the Global Impact of Neglected Tropical Diseases* (Neglected Tropical Diseases Department, October 14, 2010). For more on the trajectory of TB control, see Chapter 4.

Throughout the thesis, I have touched upon issues that relate to these elements. By no means, I have done it enough. For instance, many of these elements of maturity now find their way into areas and literature that have not been adequately analysed in this study, like the literature on sustainable development.

In the last ten years, the sustainable development agenda, in its three dimensions (social, economic and environmental) has been significantly advanced, pushing the ways in which social development is conducted and thought of.<sup>13</sup> This means, among other things, that economics, as well as the international legal regime that guides sustainable development, can be used as analytical lens to deepen the analysis on global social governance. In this Chapter, it was inevitable to use examples of the advancements made in sustainable development to flesh out the elements of maturity and illustrate how a better political context can be built. However, a more significant engagement with the specialised literature will have to be done elsewhere.

Here, hopefully, I have done enough, and have engaged with a sufficient number of disciplines and sources, to 1) highlight where the elements of maturity may be located and 2) demonstrate that they are concrete enough to be acted upon.

The elements introduced here are: Global Commonness, Grassroots Realpolitik, Embracing the Moral Argument, Global Interconnectedness, and Global Intelligibility. Arguably, scholars, practitioners and activists can

---

<sup>13</sup> For more on the theory of the three dimensions of sustainable development, see John Elkington “Partnerships from Cannibals with Forks: The Triple Bottom Line of 21<sup>st</sup> Century Business” 8 *Environmental Quality Management* 37-51 (1998).

develop maturity by studying and acting upon these key areas. Developing maturity means promoting a more conducive political environment for global social governance frameworks to emerge and thrive. A more conducive environment depends upon constructing higher levels of publicness at the global level. Thus elements that develop maturity are those that help society to embrace and construct global publicness.

Macro-level interventions – like devising forms to promote multi-level deliberation about global common objectives and to collect transnational welfare data grouped by social categories such as race and gender – are building blocks of global publicness; these building blocks are what I call *elements of maturity*. Elements of maturity have been identified, albeit timidly, in global health. The Partnership to Stop TB and the Global Polio Eradication Initiative, for example, demonstrated that it is possible to enhance nonstate actor participation at the local level, while keeping a clear focus on global disease control or eradication. Outside the objectives of controlling infectious diseases, elements of maturity were not so easily located even in global health.

Elements of maturity are not suggested as magic-bullets. They work as all-encompassing pre-conditions to enhancing levels of global publicness in global policy responses. Therefore, they should be further discussed and advanced. Discussing and advancing the elements below, or other elements that may be identified in the future, bring to fruition the maturity exercise. The maturity exercise, therefore, includes scholarly debates, formation of international commissions, public education campaigns, local forms of deliberation, and other pragmatic steps to understand the implications of a maturity approach (which is long-term and context-changing) and nurturing the elements of maturity themselves. These interventions should accompany

more pragmatic initiatives to make policy and create mechanisms, such as the universal social floor.

Global constitutionalist and critical legal theories encouraged me to think about what a global public overlayer should look like. I designed the elements of maturity by thinking about the characteristics found in global health that advance global publicness, and about the characteristics in health and education that hinder global publicness. I also thought about how these characteristics interact with visions of ideal forms of global governance previously prescribed by global justice theorists (more humane or from below or just).<sup>14</sup> I concluded that the ideal image of the global, public overlayer should remain within a frame of governance and not government, self-steering and not political representation.

In this fashion, the maturity approach does not add to the literature that defends the need for global government or more of the traditional international institutions. Rather, it adds to scholarly work about how to make publicness transnational and more suitable for a frame of working that increasingly relies on public private partnerships. An alternative, broader approach to publicness and public services is needed, especially as IGOs, transnational corporations and transnational NGOs increasingly engage with social policy-making and service delivery.

Because of the reasons above, I introduce the following macro-level areas for further research and action. They are not only components of a new approach—elements of maturity – but they are also vital opportunities to create a better

---

<sup>14</sup> The background for the assessment was based on critical, global justice and transnational democracy scholarship explored throughout this thesis, but mainly in Chapter 1.

context for staple public services like control of epidemics, distribution of essential medicines, education evaluation assessments, and food vouchers to be more effectively delivered by transnational networks and public private partnerships.

#### ***4.1 Identifying Elements of Maturity***

Global actors should be devoting more time to building global publicness by using a maturity approach.

In order to provide more specific guidance, I attempted to gather enough evidence to, preliminarily, suggest the building blocks of global publicness and, as a consequence, of the maturity approach. At this point, the identified elements are only means to initiate a debate about further research and practical avenues by which the maturity approach could be further developed. Even if preliminary, the proposed elements are designed to be thought-provoking and encourage further developments among academics and practitioners.

##### *4.1.1 Global Commonness<sup>15</sup>*

Global public goods and public-private partnerships have helped the global level to organise and rank action that significantly impacts peoples' welfare. The scope of global public goods and public private partnerships, however,

---

<sup>15</sup> Global commonness is a term that has been used by critical scholars and global justice theorists to refer to issues, ideas and challenges that are of transnational concern and transnationally owned. The term commonness derives from the term Global Commons, which "acknowledges the growing insufficiency of relying on States to achieve an acceptable form of global governance by acting on their own. With reference to oceans, polar regions, ozone depletion, climate and biodiversity, there is the awareness that only global cooperative regimes with longer-run perspectives can avoid disaster befalling the global commons." Falk, above n 13, at 328.

have seldomly been decided democratically. A larger deliberation of commonness that can facilitate the setting of a genuinely global common agenda is required. It is a daunting challenge, perhaps utopian in its absolute form. For this reason, I suggest that making efforts to access global priorities (what actually can be considered top priorities among different groups) should be pursued, especially within multilateral processes and within the strategic planning processes that antecede the creation of global partnerships. These efforts could considerably contribute to rising the levels of maturity for social governance.

I draw from the case study on education governance to demonstrate that, despite obvious challenges, positive efforts are needed to promote a search for global commonness. I also highlight from innovative practices at the United Nations to demonstrate how multilateral processes have attempted to identify and rank the common demands of different sectors of global civil society.

The processes established within the UN to converse with nine *Major Groups* is an example of a concrete, consultative process that helps to identify and rank common interests at the global level. UN Major Groups, for instance, are not organised around national lines. They represent nine sectors of global civil society and are invited to take part in conferences, summits, and informal rounds of negotiations. They organise themselves in transnational networks and are coordinated by a special office, under the UN Commission for Sustainable Development, responding to the UN Department of Economic and Social Affairs (UN DESA). *UN Major Groups are:*<sup>16</sup>

---

<sup>16</sup> Agenda 21, the Rio Declaration on Environment and Development, and the Statement of principles for the Sustainable Management of Forests (adopted by more than 178 Governments

- 1 *Women*
- 2 *Children and Youth*
- 3 *Indigenous People*
- 4 *NGOs*
- 5 *Workers and Trade Unions*
- 6 *Business and Industry*
- 7 *Scientific and Technological Communities*
- 8 *Farmers and Small Forests Landowners*

These groups represent an important outcome of the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, Brazil, 3 to 14 June 1992. The UNCED strengthened the role of Major Groups, bringing them into the priorities of the Agenda 21.<sup>17</sup> Since, 1992, when the Agenda 21 was written, major groups are slowly, but increasingly, participating in UN conferences, summits and informal rounds of negotiations. Despite advancements, however, the role of Major Groups in decision-making on social and economic development remains marginal, and agendas are still set behind closed doors. This is not only a political problem, but a technical problem; it poses a barrier to making effective global social policy. With fewer groups represented at the decision-making table, our ability to assess contents that correspond to shared, global interests is greatly impaired.

---

at the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, Brazil, 3 to 14 June 1992). Section III, Strengthening the Role of Major Groups, A/Conf.151/26 Vol.III.

<sup>17</sup> Chapter 23 of the Agenda 21 explains that “Any policies, definitions or rules affecting access to and participation by non-governmental organizations in the work of United Nations institutions or agencies associated with the implementation of Agenda 21 must apply equally to all major groups.” Agenda 21, *ibid*.



In the context of education, Michael Apple argues that universalist discourses need to be interpreted with care, and that any vision of commonness in education – and likely in public services in general – needs to go through a process of inclusive deliberation.<sup>18</sup> In other words, society needs to democratically debate what common interest is in an agenda that, for example, aims at providing education for all. As in other welfare areas, the quest for commonness – and publicness in education – remains generally associated with the roll-back of the nation-state, and deliberation within it, rather than associated with the global public domain as a legitimate arena to debate and create mechanisms for world-wide promotion of participatory agenda-setting, as in the case of inviting Major Groups to participate in rounds of multilateral negotiations.

Although the participation of Major Groups in the process of agenda-setting for sustainable development has been marginal, this methodology is a victory for global civil society. Not replicating it to other policy-fields, beyond sustainable development, is a missed opportunity.

Debating common interests is difficult enough in the context of nation-states and democratically elected governments. Thinking about a democratic process to define common interests at the global level, and which public services may emerge from such deliberation, seems yet more challenging.

Recognising the political and legal force of global public demands (understood as the result of deliberation produced by new publics, as those represented by

---

<sup>18</sup> Michael Apple "Understanding and Interrupting Neoliberal and Neoconservative Policies in Education" (paper presented to the XIV World Congress of Comparative Education Societies: Bordering, Re-bordering and New Possibilities in Education and Society, Istanbul, June 2010.)

the nine UN Major Groups) may be the only avenue available at this point to democratise global social governance.

Innovative ways of deliberation include *enrolling new publics*, such as the UN Major Groups, as capable and responsible actors in the process of global social policy-making.<sup>19</sup> Enrolling new publics serves the purpose of organising transnational constituencies, around which deliberation about commonness can take place. In fact, enrolling new publics to deliberate commonness is different from arguing for participation and consultative status for NGOs engaging with the WHO, the ILO, or with another agency.

Enrolling new publics starts before consultation; it helps to more accurately define what should be the scope of work of global actors, as a result of better understanding what is truly common across border. For example, the Partnership to Stop TB has worked to enrol more publics to get involved with TB control at the local and national levels. But this is a rather recent and isolated initiative. Initiatives to enrol diverse publics to participate in global partnerships are rare. In the field of education they are even more difficult to develop. Again, the example of the UN Major Groups for sustainable development is perhaps the best one. They have been participating in crafting background papers and official text within the global sustainable development agenda, especially in the last two years.<sup>20</sup>

---

<sup>19</sup> I borrow this term from Newman and Clarke who mean that new publics need to be encouraged and brought into the process of governance. Currently, new publics have only a certain extent of agency to enter the processes themselves, at their own will. See Janet Newman and John Clarke in *Publics, Politics and Power: Remaking the Public in Public services* (SAGE, the University of Michigan, 2009).

<sup>20</sup> For details on how Major Groups participation is taking place, see the list of Regional Preparatory Meetings for Rio+20, through the Annotated Provisional Agenda for the Meeting (November 2011) E/ECE/RPM/2011/1.

The story of global education is different, but it points to a similar direction. It demonstrates that innovative means of participation are needed to improve education and offer better opportunities worldwide. It shows that a satisfactory, global agenda cannot be deliberated adequately within the traditional democratic avenues offered by the nation-state. It also cannot be defined by international cooperation alone. Besides, it cannot only be the result of country-to-country comparisons and policy borrowing, but the result of convergences among diverse constituencies (like students and teachers of different backgrounds) located around the world. Accordingly, a search for global commonness should take deliberative opportunities, as those created by the Global Campaign for Education, all the way down to the classroom and to professional associations.

In the field of education and beyond, for global governance to more closely reflect “the agreed actions and means adopted by a society to promote collective action and deliver solutions in pursuit of common goals,”<sup>21</sup> one needs to think about the characteristics of the context where governance is to be applied. Global governance is about “the sum of many ways individuals and institutions ... manage their common affairs.”<sup>22</sup> Global governance for any other purpose rather than advancing common affairs does not have a theoretical foundation. Common affairs that relate to global challenges, like education and sustainable development, should match with claims expressed democratically in a transnational public sphere; these claims justify the use of global governance in this context. In reality, besides the experience with the

---

<sup>21</sup> Kelley Lee and others, “Global Governance for Health” in Ronald Labonté and others (eds) *Globalisation and Health: Pathways, Evidence and Policy* (Routledge, New York, 2009) at 290 (citation omitted).

<sup>22</sup> Ibid.

UN Major Groups, the governance of most global affairs is often conducted without any regular form of deliberation of commonness, even if done in the name of global public goods or human rights, two commonly used platforms to trigger the creation of global governance mechanisms.

Currently, there is no acceptable means of assessing global commonness. Similarly, there is no acceptable method, or shape to operationalise transnational democracy.<sup>23</sup> Nevertheless, **deliberative forums like the Major Groups** have been more frequently created around the world to discuss matters that bring people together, that reveal interconnections among people living in different countries, and that obviously require global collective action to be resolved. In addition, **transnational democracy theories** have been rapidly growing and contributing significantly to debates about global constitutionalism. These are two promising developments that could be used as benchmarks to advance global commonness as part of a maturity approach.

#### *4.1.2 Grassroots Realpolitik*

Arjun Appadurai coined the term Grassroots Realpolitik. For him, it is a concept used to frame grassroots agency in the 21st century public sphere; it is partially fuelled by the human rights discourse, and mostly fuelled by the needs and organising power of the poor.<sup>24</sup> His arguments were developed based on the observation of the Mumbai Alliance, an Indian organisation working in the housing sector and having transnational impact. The context in which the Alliance is “securing claims to proper housing” and “generating new forms of politics” nationally and transnationally shares many elements

---

<sup>23</sup> David Held “Regulating Globalisation: The Reinvention of Politics” (2000) 15 International Sociology 394.

<sup>24</sup> Appadurai, above n 11.

with visions of more effective global governance. The Alliance's work reflects that grassroots politics expressed cross-borderly may be an effective outlet for defining common objects, transnational reasons for people to get together to make social policy and devise new delivery schemes. Grassroots realpolitik encourages those who are usually beneficiaries of global social policies to become agents. This is the main reason why grassroots realpolitik is an element of maturity for global governance. It is a new political horizon that highlights the claims of beneficiaries and may facilitate their entry into the process of steering at the global level.<sup>25</sup> Grassroots realpolitik, therefore, may help governance processes to be more inclusive, more democratic, humane or from-below.

Nurturing grassroots realpolitik relates to recognising and supporting transnational grassroots networks that ceased opportunities to steer and row as actors of global governance. Grassroots communities are generally the beneficiaries of global social policies; they are not invited to make decisions and to execute plans of actions. When they cease opportunities to make decisions and to execute plans themselves, often advocating for their cause, and seeking resources and support with other transnational and international groups working in a similar area, they become agents. By engaging in grassroots realpolitik, they enhance the levels of self-steering of global social policy responses.

As an element of maturity, nurturing grassroots realpolitik is important because it helps to transform beneficiaries into local agents of global governance. Thus, it helps to harness a political environment that will

---

<sup>25</sup> Appadurai use the term "horizon of politics" in this article about deepening democracy and fostering grassroots realpolitik.

inevitably require more self-steering. Encouraging and recognising grassroots realpolitik opens new opportunities for global actors operating at different levels of organisation to see each other, to meet, to deliberate common agendas, and to better divide steering and rowing tasks.<sup>26</sup>

Appadurai explains that transnational networks of grassroots groups exercise grassroots realpolitik by discussing the following questions:<sup>27</sup>

How can they organise transnationally without sacrificing their local projects? When they do build transnational networks, what are their greatest assets and their greatest handicaps? At a deeper political level, can the mobility of capital and new information technologies be contained by, and made accountable to, the ethos and purpose of local democratic projects? Put another way, can there be a new design for global governance that mediates the speed of capital, the power of states, and the profoundly local nature of actually existing democracies?

At the political level, nurturing grassroots realpolitik relates to promoting more inclusive discussions about a new design for global social governance that hears, takes advantage of, and encourages existing steering initiatives at the grassroots level. Politically, grassroots mobilisation to provide solutions to transnational problems (as access to water, HIV/AIDS transmission, food insecurity) flags which locally agreed objectives may represent global common affairs. It also flags policy-areas and modes of operation for the global level to debate and, potentially, invest in.

At the operational level, nurturing grassroots realpolitik relates to creating new opportunities for engaging existent democratic processes at the local level,

---

<sup>26</sup> Appadurai, above n 11.

<sup>27</sup> Appadurai, above n 11, at 41.

exposing the transnational reach of grassroots claims, and showcasing the capacity of grassroots networks to organise to carry forward social policies and services that are needed across many countries. Consequently, grassroots realpolitik matters for global publicness, and global social governance, because it promotes a global political space that is more reliant upon forms of grassroots organising. It also matters because it provides an avenue to IGOs and transnational NGOs to enrol beneficiaries of social policies as agenda setters or decision-makers or service deliverers. Therefore, grassroots realpolitik relates to previously discussed concepts, such as deepening democracy and the fourth R missing in the liberal 3R strategy.<sup>28</sup>

In summary, the relevance of grassroots realpolitik in developing maturity for global social governance is two-fold. First it encourages self-steering and, second, it flags areas that may be of global concern, serving as a point of departure to promote global deliberations of commonness and how to access what global public goals are. Grassroots realpolitik flags which areas should be debated as potential objects of global public choice, increasing the chances of welfare issues around which grassroots groups organise and are “active” (i.e. politically organised and socially engaged,) to make global social agendas and be developed within a global governance frame.<sup>29</sup>

Maturity for global governance requires that national and international organisations take more notice of what goes on at the grassroots level. For instance, the MDG project created new infra-structure, new partnerships, new

---

<sup>28</sup> As a reminder, a liberal approach promotes rights, regulation, and redistribution to meet basic needs.

<sup>29</sup> Amitai Etzioni, *From Empire to Community: A New Approach to International Relations* (1st ed, Palgrave Macmillan, New York, 2004).

services from the international level, but it has interacted little with grassroots initiatives that already exist in towns, rural areas and cities. The MDG Achievement Fund is an institution created to fill some of that gap at the rowing level (delivery), accepting requests for proposals (RFPs) from civil society, national government, local government as well as from specialised agencies.<sup>30</sup>

Mechanisms attempting to bring civil society voices into international institutions (such as the WTO and the WHO) have been the object of several studies. Researchers have emphasised deep political tensions that consultation generate and the difficulties IGOs have in translating the demands made by NGOs into practice.<sup>31</sup> While these attempts are valuable, they are limited. These initiatives do not transform the beneficiaries into agents. At the global-level, new and non institutionalised approaches are necessary, especially because self-steering is such an important requirement of the global governance frame.<sup>32</sup>

The type of politic that brings the local and the global together to deepen democracy and increase self-steering requires “long-term pressure” rather than “confrontation or threats of political reprisal.”<sup>33</sup> These characteristics reinforce the choice for grassroot realpolitik as the element of maturity that directly relates to making the global public domain more politically open. Grassroots realpolitik suits a maturity approach because it acknowledges that long-term

---

<sup>30</sup> For instance, the MDG Fund makes available these two informative tables at The MDG Achievement Fund “Our Programmes” (2011) <<http://www.mdgfund.org>>.

<sup>31</sup> Appadurai, above n 11.

<sup>32</sup> Jeff Collin, Kelley Lee and Karen Bissel “The Framework Convention on Tobacco Control: The Politics of Global health Governance” (2002) 23 Third World Quarterly 265 at 267.

<sup>33</sup> Appadurai, above n 11, at 25.



processes and bonds of trust are necessary to address democratic challenges that currently abound at the global domain.

Social justice communities, grassroots organisations, high-level international officers and public administrators all need to buy into the political value of grassroots realpolitik for more local democratic organisations to be able to articulate claims transnationally and to seize opportunities to steer and row. Transnational articulation and agency in global social governance frameworks require building trust among these actors before thinking about how such recognition would be materialised in practice. This is one of the strategies of the Global Campaign for Education (GCE), one of the only mechanisms of global education governance studied and recognised by educators, scholars and high-level international officers alike. In other words, embracing the new political design is now more challenging and more important than coming up with an operational design. As demonstrated in the context of the GCE and of the Partnership to Stop TB (to cite an example from health where global partnerships are more common), building trust among global partners is a long-term project. Hence, the issue of democracy in global governance efforts is another that can only be understood as a long-term process of transforming the historically held hierarchies of who governs and who is governed.<sup>34</sup>

---

<sup>34</sup> For example, Appadurai builds upon his theory on the cultural dimensions of globalisation to articulate a global governance model that recognises and validates the expression of public choice made by groups engaged in Grassroots Realpolitik. This validity does not come easy, but it sends clear messages about which choices are made every day by transnational publics, in the context of Grassroots Realpolitik. Appadurai, above n 11.

Currently, transnational grassroots messages about how local democratic projects organise to provide social services simply do not resonate with those making policy supranationally. In fact, the informality of these new publics and their activities function as a good excuse for ignoring not only their claims and their successes, but their existence as political actors. Creating outlets for the grassroots real-politicians to meet the traditional real-politicians (generally, powerful IGOs, TCNs, and IFIs representatives) is vital for the future of global governance. I am not advocating here for means of participation or consultation within old institutions, for example. I am advocating here for, at the outset, the creation of better forums for international and transnational actors to interact with grassroots organisations, understand which governance structures are already available at the grassroots level, what kinds of transnational claims they work with (such as the provision of shelter and popular housing), and which governance roles transnational grassroots networks can play in governing the social. This should engender encouragement for grassroots networks to continue their social work, incorporating it into larger frames of global social governance and future global social policy, such as in the 2015 reassessment of the MDG strategy.

#### *4.1.3 Embracing the Moral Argument*

The term *embracing the moral argument* refers to promoting slow but yet significant strengthening of world equality as the *raison d'être* of global social policy and global social services.<sup>35</sup> The backdrop of this argument is that world inequalities, and lack of health, education, shelter, are not national

---

<sup>35</sup> This is one of the main arguments of Evan Luard in his book on the globalisation of politics. Evan Luard *The Globalisation of Politics: The Changed Focus of Political Action in the Modern World* (Macmillan, London, 1990).

matters, but global. They are not national matters because inequalities are caused more and more because of bad policy choices made outside the national territory, and often, outside the reach of national governments. For instance, the international control over essential medicines patents is a good example of how unavailability or lack of resources and social services is often not under the control of governments, especially of small countries, much less under the control of individuals. Therefore, pushing for the moral argument to justify global social governance means pushing for a systemic view of inequalities. If countries are not always responsible for policy choices that cause lacks and wants, it is morally wrong for the global level to look at lacks and wants as exclusively national problems. This country-focus has occurred in many of the good governance frames used to set, for example, the strategy for MDG achievement.

Embracing the moral argument builds a better political context for global social governance because it is grounded upon a social psychology, rather than an individual psychology.<sup>36</sup> The moral argument demonstrates that policy choices impact on groups regardless of their individual achievements or their nationalities. It also advances the formation of new bonds of solidarity based upon a structural view of the world. For instance, the argument that the control of diarrheal diseases is a global public good was discussed in Chapter 4. This argument has had little traction within an individualist psychology, but it has attracted attention when a structural, collective view of the world is deployed. For instance, articulating diarrheal diseases as a global challenge requires that

---

<sup>36</sup> Milton Fisk argues that self-interest in cooperation can be countered by the use of a social psychology to guide global politics and the protection of global public goods. Milton Fisk "Global Public Goods and Self-Interest in ED Boepple (ed) *Sui Generis: Essays Presented to Richard Thomas Hull* (Bloomington, Author House, 2005) at 13-22.

we, as a global society, become concerned with the fact that millions of people still die of diarrheal diseases in certain regions of the world, feeling engaged and compelled to do something about it. A structural understanding of inequalities and the impact of policy bring people together to manage global challenges. This became clear in the context of communicable diseases, in which structural factors (such as aviation for the masses and the speed of mutation of viruses) are very clear as determinants of contagion. Since all are at risk and there is no one to blame for contagion, cooperation is facilitated.

Embracing the moral argument and a collective psychology is gradual. It is an element of maturity for global social governance because it helps to foster a collective mind-set, or a social psychology to guide global actors towards devising effective strategies to act upon neglected problems (such as the rapid spread of malaria in specific regions of the world, which was also discussed in Chapter 4) and to think about the need for redistributive policies. This social psychology depends upon educating policy-makers about why redistribution is a moral obligation. It also depends upon organising civil society to more bluntly demand global public services from IGOs, NGOs and TCNs already making important welfare decisions.

Nurturing the moral argument is one avenue to check the challenge of self-interest as a pure bottom-line of global actors making important welfare decisions.

The United Nations Development Programme (UNDP), for example, argues that nation-states should invest in social services based on enlightened self-

interest.<sup>37</sup> More specifically, the UNDP defends that, by investing in education in developing countries, donors are fulfilling both the interests of the world and their own interests.<sup>38</sup> This type of argument has become more popular with globalisation (and theories of inter-connectedness, systemic risks, and spillovers.) It is a chief discourse of the campaign for the achievement of Millennium Development Goal 2 (achieve universal primary education), and of the Dakar Framework for Action.<sup>39</sup>

The UNDP's head, Helen Clark, has held the position that the "moral argument alone" does not work in practice.<sup>40</sup> Put simply, while the moral argument does not persuade major donors to cooperate, enlightened self-interest and a sense of dreadful shared fate do. Enlightened self-interest questions the usefulness of the moral argument, by explaining why nation-states support development policies from a realist perspective.

The enlightened self-interest discourse seems a compromise towards attempting to inaugurate an era of cooperation that is moved by true bonds of solidarity, but that has not yet arrived. Perhaps, enlightened self-interest has been elected as an effective UN discourse because of an overarching moral crisis in development, which has encouraged more radical commentators to

---

<sup>37</sup> Helen Clark "The Millennium Goals: Ten Years Down, Five to Go" (speech to the general public at the Christchurch Cathedral, Christchurch (New Zealand), 2010).

<sup>38</sup> The term enlightened self-interest has been associated with Alexis Tocqueville's description of the self-organising capacity of members of the then young American society, dealing with problems that the Europeans would generally consider a government's job. Alexis de Tocqueville *Democracy in America* (JP Mayer (ed) , George Lawrence (trans), Anchor Books (1969).

<sup>39</sup> Nancy Birdsall, Ruth Levine and Armina Ibrahim *Toward Universal Primary Education: Investments, Incentives, and Institutions* (Report of the UN Millennium Project Task Force on Education and Gender Equality, 2005).

<sup>40</sup> Helen Clark, above n 37.

suggest the death of aid.<sup>41</sup> This suggestion is as unattractive as thinking about development as the only avenue to finding a way to provide public services outside of the nation-state. In fact, Faith Based Organisations (FBOs) have, in some countries, provided more public services than the States or IGOs; as they have received most of the global funding available for provision.<sup>42</sup> And, without judging this fact as problematic or beneficial, it reinforces the findings that the discourse of development is limited in several ways, as is the understanding that global social challenges will be addressed only by self-interested approaches to national economic development, enlightened or not.

While enlightened self-interest discourses have been embraced as effective in harnessing support for social policy, they are more strategic than promoters of fundamental social transformation. They do not advance equity as a constitutive element of global social policies, but rather as a positive collateral effect. Gradually embracing the moral argument reveals both the short-term benefits of enlightened self-interested approaches (as an effective first step) as the problematic of adopting it as a long-term strategy.

Scholars acknowledge that an enlightened self-interest argument may be of use in stimulating much-needed donations for aid; they also acknowledge that the same argument does not advance the type of commitment necessary for overall improvement of development schemes.<sup>43</sup> Enlightened self-interest as the norm for current discourse and practice has helped little in making public services in

---

<sup>41</sup> D Moyo "Dead Aid: Why Aid is Not Working and How There is a Better Way for Africa?" (First American Ed, Farrar, Straus and Giroux, 2009).

<sup>42</sup> Lester Salamon "Partners in Public services: Government-Nonprofit Relations in the Modern Welfare State (John Hopkins University Press 1995) at 54-57.

<sup>43</sup> JM Rao "Equity in a Global Public Goods Framework" in Inge, Kaul; Isabelle Grunberg and Marc Stern (eds) *Global Public Goods: International Cooperation in the 21st Century* (Oxford University Press, Oxford, 1999) 68.

developing and developed countries more democratic, where several constituencies do not enjoy equal opportunities, and do not thrive precisely because of that.

The individualist Western mentality promotes a belief that opportunities for all those people who want to seize them are made equally available by international organisations and national governments, irrespective of race, gender, nationality, etc.<sup>44</sup> The case-studies confirmed that this is still a mentality that influences agenda setting and the theory behind what constitutes or not a global public good (the classification of the control of a malaria as a regional good, instead of a global good, illustrates well the lack of a collective mentality at the global level). Increasingly, and not only in developing countries, one can see that equal opportunity is not the case and that problems have been exacerbated by innovative domestic governance initiatives, by which schools and health services are privatised and become more vulnerable to discriminatory practices.<sup>45</sup> Increasingly embracing the moral argument, instead of enlightened self-interested or other individualistic paradigms, aims at promoting a revision of these types of considerations, which relate to how global social policy addresses systemic inequalities, and how decision-makers see the causes of inequalities.

Gradually understanding world inequality as systemic will likely promote bonds of solidarity as sources of global cooperation; as the right reason to

---

<sup>44</sup> For a critical view of how race, gender and class impact education in the United States, see African American Policy Forum, *13 Myths about Affirmative Action* (2006) Affirmative Action Resources <[http://aapf.org/tool\\_to\\_speak\\_out/focus/](http://aapf.org/tool_to_speak_out/focus/)> .

<sup>45</sup> Paul Hill "What's Wrong with Public Education Governance in Big Cities ... And How Should it be Fixed?" in William Lowe Boyd and Debra Miretzky (eds) *American Educational Governance on Trial: Change and Challenges* (The 102nd Yearbook of the National Society for the Study of Education, 2003) .

bring people together to manage global social challenges. This requires a better understanding of inequalities as products of bad policy choices made throughout humanity's history, rather than as products of individual choice or cultural inferiority.<sup>46</sup> These types of lessons are not going to be learned overnight, but they can be learned eventually. For instance, they depend upon educating larger audiences about structural inequalities, so that a new generation of global leaders may understand why it is morally wrong for many people to not have health-care, quality education, and adequate food, while others have plenty.<sup>47</sup>

A structural view might be able to persuade global actors that people around the world are often caught by oppressive structures, be they represented by a history of colonisation or racial and gender discrimination or economic recessions; thus they are at a needy situation at no fault of their own. These oppressive structures, regardless if governments have helped build them or not, have created demands for social services and redistribution not only sparingly and not only within countries, but across transnational lines. A structural view of inequality would help global leaders to understand why the global level might be better suited to provide services to address social needs that have become common place around the world. Making these connections, between cause and effect, and between actions needed and their character as

---

<sup>46</sup> Racial justice scholars have been making these arguments in the United States for more than three decades. Critical Race Theory scholars have specifically dwell on the relationship between law, race and power. For more on these arguments, see Crenshaw and others (eds) "Critical Race Theory: The Key Writings that Formed the Movement" (The New Press, New York, 1996).

<sup>47</sup> For a more detailed articulation of structural view of inequalities see LC Harris and Uma Narayan "Affirmative Action as Equalizing Opportunity: Challenging the Myth of Preferential Treatment" in LaFollette Hugh *Ethics in Practice* (3ed, Blackwell Publishing, 2007) at part IV.



moral impediments, is the function of working towards a larger use of the moral argument.

In the case of the UNDP and MDG achievement, for instance, it seems disingenuous to adopt enlightened self-interest strategically, without doing more to advance the moral argument. If the moral argument is not working to harness support for MDGs but should be working, as it is inferred from Helen Clark's statement, something should be done about it. A long-term vision of global social policy-making has to include a scenario in which the moral argument works and promotes profound changes in global social policy and on the ground. Embracing the moral argument depends on promoting large-scale public education about structural inequalities and systemic causes of poverty. It is part of a maturity approach to create schemes, perhaps championed by the UN, to promote more structural views of world inequality, through large-scale public education efforts and inter-institutional debates.

#### *4.1.4 Global Interconnectedness*

'Global Interconnectedness' refers to the increasing ways by which the world is connected (economically, socially, culturally, legally and politically), despite abysmal differences in the availability of opportunities, and stages of development. It refers to the aspects of our welfare that are shared transnationally either because of policy choices or because of shared fate. Global interconnectedness as an element of maturity that we should nurture refers to giving visibility to interconnections and to better understanding how they could help us come up with more effective governance frameworks.

Global interconnectedness contributes to a more conducive environment to global social governance because it exposes which areas concern us all and

which vulnerabilities are common to humanity, or are made common to transnational groups. World interconnectedness showcases that many problems are global and require global solutions, albeit they might have different origins. As global matters that concern us all, regardless of nationality, interconnections should be brought into a suitable political domain to be debated and addressed. Today, not all types of interconnections are as visible as epidemiological and economic interconnections.

In economic terms, global interconnectedness refers to the good and bad externalities that travel the world, in many directions, including North-South and South-South. Despite the importance of economic interconnectedness, global interconnectedness aims at highlighting the weight of other sorts of inter-connections, and how they are relevant to global social governance and wealth redistribution. Increasing the visibility of multiple interconnections from a global social perspective is one important step in the exercise of seeking maturity. For example, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) explains the importance of not ignoring systemic inter-connections generated by poor education. It claims that “despite the high stakes and the cost of inaction, few governments treat the crisis in education as an urgent priority, in stark contrast to their response to financial market problems.” It further explains that the risk of “contagion” is not clearly seen by governments.<sup>48</sup> The effects of the denial of education opportunities are not as visible as banks collapsing,<sup>49</sup> or thousands of people falling ill across borders due to the same disease.

---

<sup>48</sup> UNESCO *Overcoming Inequality: Why Governance Matters* (Education for All Global Monitoring Report, Oxford University Press, 2008) at 26.

<sup>49</sup> Ibid.

Interconnectedness is not a new phenomenon, but the many types and speed of interconnections that we are experiencing in the 21st century, as a result of multiple forms of globalisations, is new. Today's interconnections go beyond economic ties and imminent security risks (although these connections are enormously important and originate many others). Recognising this is vital for a better understanding of global publicness and better use of global governance. Generally, the issues that are more visible from an interconnectedness perspective propel cooperation and are chosen as global priorities. This became clear in the context of global health, more specifically in the context of the global response against AIDS and the global effort to eradicate polio. These two initiatives were able to harness support from a range of civil society groups and governments.

During the 2010 World Economic Forum (WEF), in a panel moderated by Fareed Zakaria, the president of Mexico, Felipe Calderón opened the rounds of debate concerning the Global Redesign Initiative. One of the main reasons for the Initiative, as well as for the panel which brought together heads of State from the North and the South as well as high-level officials, was the rising number of global risks. President Calderón illustrated his perception of interconnectedness by using a systemic risks approach. He compared the globe to an aircraft, where we are all seated, and of which the pilot has suffered a heart attack. With this metaphor, President Calderón not only implies that certain risks do not recognise borders and affect us all (like epidemics), but especially that what encourages us to work together is the fact that the airplane is falling. The President adopts the language of interconnectedness and shared fate in the context of a threat. In order to lift the plane back up and keep it

going, President Calderón called for new mechanisms for a new era: a new heart for the pilot; or a new pilot all together.<sup>50</sup>

The discourse about threats and risks is used in global social governance to refer to the need to jointly control epidemics. Global health has been advanced by securitist discourses because they deal with society's sense of shared fate and collective vulnerability. It is quite obvious that microbes travelling borders present a threat to pretty much every country in the world; as it is quite obvious today that melting poles and droughts also have a bearing on life beyond borders. There are other vital areas which do not share the same obvious interconnectedness and therefore they have not received the same time of attention. Within global health this difference is clear.

High-profile epidemics are those that: do not have a cure yet; that are new and that affect both rich and poor countries; and that are similar to the 2003 outbreak of SARS, which was controlled in five months. High-profile epidemics like SARS have been able to rapidly mobilise key players around governance frameworks. The need to contain the threat that diseases like SARS represent has surpassed political, cultural and economic hurdles. On the contrary, diseases like diarrhoea have been neglected for years even if one of the major causes of death in the Global South.<sup>51</sup> But diarrheal diseases are not obviously global; they do not travel in the same way; they are not life-threatening for a significant amount of people thus not benefiting from the same types of quick policy responses. Interconnectedness from a different,

---

<sup>50</sup> Felipe Calderón in World Economic Forum *Global governance Redesigned Panel Moderated by Fareed Zakaria* Davos Annual Meeting (2010).

<sup>51</sup> T Pogge "World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms" (2nd ed, Polity, Cambridge, 2008) at 251.

broader perspective explains why diarrheal diseases, and other health challenges, should deserve the same attention. It also explains why other social challenges should also be treated as interconnected challenges.

While, the WEF's panel considered environmental challenges as pushing all nations to take a seat in the falling plane and take collective action, it touched upon social struggles that are generally underrated. The South African President H.E. Zuma critiqued global risk approaches because they have been reduced to a theory of selective threats, especially threats that affect the economy and the environment. Yet the evidence gathered here reinforces the argument that eminent threats and security language help to gauge support for global governance to be used to design and deliver public services.

The South-African president emphasized that it is much easier to talk about global solutions to problems that configure, *prima facie*, systemic risks, like climate change and pandemics than to find global solutions to matters that seem to be less threatening, especially to Western countries. With this in mind, President Zuma argued that it is important to visualise as systemic risk the plight of the poor, who make up the great majority of the world population. Accordingly, he calls for a critical assessment of the universalities of the threats we are most concerned with. He argues that, in terms of social, systemic threats, national solutions are still the rule, rather than global solutions. He agrees with Calderón that reform is urgently needed at the UN, with the creation of new methodologies of decision-making.<sup>52</sup> Nevertheless, he reads the theory of systemic threats from a social justice perspective. He supports the argument that effective global governance may use systemic risks

---

<sup>52</sup> GHE Jacob Zuma in World Economic Forum, *Global governance Redesigned Panel Moderated by Fareed Zakaria*, Davos Annual Meeting (2010).

theory for providing services, but should include the services that lack to the poor in most nations, such as quality public education and reducing the incidence of diarrheal diseases.

The theory of global interconnections and global risks can be used to help society understand in two different ways why the services that lack to the poor should concern us all. They help us see how bad policy choices travel and impact beyond borders (as exposed by President Zuma above); and they may also help us see how poverty is a global risk for us all. Global risk theory is a narrower perspective on interconnections, which was present in President Calderon's speech.

Global risks theory draws on theories of inter-dependencies and externalities. While externalities occur when a State, a firm, or an individual "takes an action but does not bear all the costs (negative externality) or all the benefits,"<sup>53</sup> systemic risks are threats of "breakdowns in an entire system, as opposed to breakdowns in individual parts or components."<sup>54</sup> According to the Global Redesign Initiative Report on "Mapping and Mitigating Global Risks", there are global threats of different intensities and effects: macroshock, shock diffusion, and common shock.<sup>55</sup> The language of "threat" or "shock" or "catastrophic risk" undermines the chances of social problems to be considered global risks. Social problems are not generally considered acute

---

<sup>53</sup> Inge Kaul, Isabelle Grunberg and Marc A. Stern (eds), *Global Public Goods: International Cooperation in the 21st Century* (1999), 5.

<sup>54</sup> Ian Goldin *Everybody's Business: Strengthening International Cooperation in a More Interdependent World* (Excerpt from the Report "Global Redesign Initiative: Managing and Mitigating Global Risks" 2010) at 1-2.

<sup>55</sup> Ibid.

and surprising like the language of threat, shocks and catastrophes suggests. They are generally considered long-lasting, chronic problems.

The case-study in global health demonstrates that traditional systemic-risk justifications for global governance reside on acute threats (as the metaphor of the pilot's heart attack and the falling plane demonstrates.) Nevertheless, a socially-driven read of interconnectedness could make use of the chronic disease metaphor (for example, referring to the State of public education systems around the world) as justification for global health action. Chronic diseases do not kill, but impair and create morbidity; they are not contagious person to person but they will create conditions for epidemiological microbes to develop and travel far; they do not change habits overnight but create less healthier cities that are now occupied by international students, migrant workers, and travellers from around the globe; and so on. Consequently, chronic diseases are as important global risks as epidemiological threats. They require different approaches, but not less attention.

The damages caused by chronic maladies (including diarrheal diseases, lack of primary education, lack of potable water) can reach beyond borders even if they do not present an eminent, acute threat. When interpreted from a broader perspective on risks as one type of global interconnection, chronic maladies help us see that our wellbeing as a global society is compromised by chronic problems as well as by acute ones.

Social problems such as lack of food, drinking water, adequate education and health care have been normalised. This normalisation of social, global problems prevents the type of collective mobilisation that is needed from happening. Exposure of many types of interconnections can assist vital welfare

areas to receive more political attention, in light of what happens in communicable diseases.

In any event, a narrower global risks approach to social governance should be seen more as a strategy to harness political support, rather than the ideal justification for global social governance.<sup>56</sup> Global social governance actors should not lose sight of the necessity to embrace the moral argument. In this regard, the language of risks should be used only strategically: as an element of maturity used to promote conversations not only about shared fate, but also about bad, travelling policy choices and the need to embrace the moral argument to construe a long-lasting, ideal political context for global social governance.

#### *4.1.5 Global Intelligibility*

Global intelligibility refers to access to information about transnational social needs, which require global solutions. Transnational social needs should constitute the content of a global public sector. Thus asking for global intelligibility is not the same as asking for more and better information generally.<sup>57</sup> Global intelligibility requires more information of a specific kind: the kind of information that let us know which social needs are truly transnational. This kind of information is currently unavailable and, arguably, is vital for better global social policy-making.

In the last decades new ways of measuring societal progress and, consequently, assessing their needs have gone beyond traditional metrics. For

---

<sup>56</sup> A similar argument was made in Chapter 4, in the context of GHG.

<sup>57</sup> For a more detailed analysis of whether information makes possible better-decision making see Donald M. Michael "Governing by Learning in an Information Society" in SA Rosell *Governing in an Information Society* (Institute for Research on Public Policy, Canada, 1992).



example, specialists have insisted that Gross Domestic Product (GDP), for instance, should not be the only reference measurement to assess success. Yet countries strive to grow economically, and GDP growth rate is still used to determine the powerful and the weak in global relations.<sup>58</sup> As a new mentality starts to emerge, new metrics are sought after. The country of Buthan, for instance, has made popular the Gross National Hapinness Index (GNH), which.<sup>59</sup>

The GNH Index is meant to orient the people and the nation towards happiness, primarily by improving the conditions of not-yet-happy people. We can break apart the GNH Index to see where unhappiness is arising from and for whom.(...) Not-yet-happy people in rural Bhutan tend to be those who attain less in education, living standards and balanced use of time. In urban Bhutan, not-yet-happy people are insufficient in non-material domains such as community vitality and culture and psychological well-being. In Thimphu, the capital, for example, the biggest insufficiencies are in community vitality.

The use of GNH to guide social policy-making would be unthinkable years ago. Recently, the UN's GA accepted to consider Bhutan's proposal of including happiness, as measured by the GNH, as a 9<sup>th</sup> MDG.<sup>60</sup> In addition, leaders from Bhutan have voiced their suggestion of substituting GDP for GNH as the standard measure to determine national performance. The UN GA reflected this concern by recognizing "that the gross domestic product indicator by nature was not designed to and does not adequately reflect the happiness and well-being of people in a country."<sup>61</sup> Despite the fact that the proposal from Bhutan will likely not be effectuated in the next few decades,

---

<sup>58</sup> Karma Ura and others *A Short Guide to Gross National Hapinness Index* (2012, *A report written at The Center for Buthan Studies*), 23.

<sup>59</sup> *Ibid.*, 1-2.

<sup>60</sup> *Happiness: Towards a Holistic Approach to Development. UN GA Res A RES/65/309* (2011).

<sup>61</sup> *Ibid.*

the inclusion of these types of innovative metrics into the GA agenda points towards the necessity of creating new types of understandings about global welfare.

Another tool is the more traditional Human Development Index (HDI), which is under the auspices of the UN. The HDI is a pioneer, in regards to more holistically measuring people's welfare, assessing what some have called the real types of wealth, and serving as a guide to public policy within countries.<sup>62</sup> Yet these very important measures, while they configure one part of what we are calling global intelligibility, they are still confined within national borders. Indeed, they bring new content to help us access the effectiveness of social policy today and the need for new policy, but they limit their scope to comparative, country-to-country data. The problem is that we count with bordered indexes to measure wealth and welfare, or poverty and illnesses, that have become globalised. Global intelligibility is a call to solve this mismatch.

One index that is, somehow, venturing beyond borders is the Happy Planet Index (HPI).<sup>63</sup> HPI is an index that shows how environmental law and policy contribute to people's welfare. It is an index of both welfare and environmental impact.

The HPI does not indicate which is the happiest planet on earth, but it demonstrates the correlation between green policies and practices and higher levels of welfare. HPI uses three separate indicators: ecological footprint; life expectancy and general satisfaction to determine which places on Earth are

---

<sup>62</sup> Anne Louette "Compêndio de Indicadores de Sustentabilidade de Nações" (Willis Harman House, São Paulo 2009)12.

<sup>63</sup> Ibid, at 30-35.

good places to live. It looks within countries and within regions, like Central America and South East Asia.

The HPI works very differently from the GDP and points out to, for instance, Cuba and Vietnam as very happy places, while the USA ranks outside of the top 100. The HPI is a type of index that comes to help us care for global public goods, such as the environment and a global population that lives longer. However, while the HPI refers in its name to the geographical space of the “planet”, it is still not a planetary index, but a comparative one, where countries are the main units of analyses. With the HPI, there is also a territorial limitation. It advances global intelligibility, but it is not enough.

Global intelligibility requires that indicators be assessed not only as they perform inside countries, but as they perform inside of transnational communities. It is important, for instance, to see whether African descendents are receiving good primary health care and are breathing clean air when compared to non-Africans, regardless of their nationality; how Indigenous women receive pre-natal care regardless of their nationality; how poor urban communities access fresh food and potable water, regardless of their nationality. While countries can be used as a means of organising data collection, they should not be the defining unit of analysis. The reason for this is simple: nationality is generally not the key explanatory factor for disproportional lack of vital basic services to certain communities, like communities of colour and Indigenous women. These are transnational lacks caused by multiple factors, like discrimination, cultural challenges, and global

migration.<sup>64</sup> These transnational needs also help to explain how global solidarities and affiliations are formed: around age, class, gender, sexual orientation, and race.<sup>65</sup>

Transnational needs, and global social challenges, require new thinking about statistics. Transnational data, for instance, lacks in the field of globalising education. It could help to assess how groups, other than those divided into countries, are able to perform better or worse in international education assessments that are designed as universal. It is possible that tests are not catering well for girls in comparison to boys; for children of colour in comparison to white children, regardless of where they take these tests.

If transnational indicators were made available, a deeper type of knowledge about global needs, differences and commonalities could be built. This type of knowledge promotes global intelligibility. Global intelligibility refers not only to collecting more quality comparative cross-country data about welfare, but also to collecting data about public services that do not use countries as main units of analysis. For example, one inquiry to be undertaken in the name of global intelligibility could be the measuring of the effectiveness of the Global Campaign to Eradicate Polio among women when compared to men, or among people of colour when compared to whites.<sup>66</sup>

---

<sup>64</sup> Anthony Lemiux and Felicia Pratto “Poverty and Prejudice” in SC Car and TS Sloan *Poverty and Psychology: from Global Perspective to Local Practice* (Kluwer Academic/Plenum Publishers, New York, 2003) 146.

<sup>65</sup> Amartya Sen in Amartya Sen “Violence, Identity and Poverty” (2008) 45 *Journal of Peace Research* 5.

<sup>66</sup> For an analysis of the polio eradication history from a critical race theory perspective see Naomi Rogers “Race and the Politics of Polio: Warm Springs, Tuskegee, and the March of Dimes” (2007) 97 *American Journal of Public Health* 784.

To improve intelligibility means to improve quality and quantity of global data. Qualitatively, data should be able to reliably assess how public services are provided to different groups of people (like women or indigenous peoples or African descents or the elderly) regardless of their nationality. Another qualitative aspect of global intelligibility is how easily one can access global data. Global intelligibility represents the capacity of the transnational data to be available, recognised, understood, and used widely to promote effective global governance. Therefore, intelligibility has to do with gathering, disseminating, and utilising a specific set of data to promote knowledge about the global public domain and, more specifically, about the categories that matter for a global public sector.

As of now, data used to facilitate global governance, such as the HPI, is collected comparatively. In the course of the case-studies, the data available for analysis was cross-country data. In terms of public services, data generally compares the State of a public service (education, health, housing...) on a country-to-country basis, with data collected and provided by national bureaus. Comparative analysis of official data is frequently conducted by the official bureaus of IGOs.<sup>67</sup> This sequence of events may undermine the collection of information that recognises the fragmentation of the global level and the variety of the people and subject-matters involved. Consequently, international and global policies in public services are overlooked. Besides, social categories that enrol global publics (such as race, gender, and sexual orientation) have not been included in quantitative studies. It would be

---

<sup>67</sup> For one example of how the UNESCO's International Bureau of Education work with comparative country-to-country data see UNESCO *Overcoming Inequality: Why Governance Matters* (Education for All Global Monitoring Report, Oxford University Press, 2008), at Appendix.

worthwhile, for instance, to know more about how global social policy affects a range of communities, regardless of their nationality.

Producing better social indicators within transnational groups (and not necessarily within states) requires significant changes in how global actors collect, perceive, and deploy data.<sup>68</sup> Collection of this kind of transnational social data has political implications. It provokes new thinking about the public domain; it reinforces the global level as another valid space for social claims to develop and challenges the nation-state as an exclusive arena to host social claims. Therefore, global intelligibility does not only have an educational meaning, but also a political meaning. In both its informative and political meanings, global intelligibility is very much a work-in-progress today. If nurtured, it may contribute to revealing transnational claims that need to be better known and more widely talked about. Consequently, it may help society to hold important discussions about the content of global publicness and a global public sector. Availability of transnational evidence may turn global publicness into something less vague and more concrete, less misunderstood, and more legible.

It is argued that national statistics have made nations “legible”.<sup>69</sup> Similarly, global statistics can also make social phenomena in the world clearer, exposing differences and similarities across transnational groups. They may trigger points of convergence for political action that goes beyond the nation-

---

<sup>68</sup> For a greater discussion on how data can advance global social inclusion, see notes of the African American Policy Forum “Globalizing Affirmative Action: A Multinational Research and Development Workshop on Social Integration Discourses” (workshop convened at the Rockefeller Sfondrata Center in Bellagio, Italy, August 2007) [“The AAPF Bellagio Workshop”].

<sup>69</sup> F Rizvi and B Lingard *Globalizing Education Policy* (Routledge, New York, 2010) at 136.

state. This engagement with broader forms of comparative literacy is seldom discussed by the sectoral literature (in this case, the sectoral literature investigated refers to globalising education and global health governance).<sup>70</sup>

The literature on education governance demonstrates that the collection of data alone does not configure an act of global governance but becomes an important part of it. The type of global data that is lacking in education and other fields, and that can positively influence global governance, uses nationality as one more explanatory variable to measure how transnational groups perform or receive social services. As global intelligibility may create a more concrete, evidence-based outlook of what problems global social policies should tackle, it helps to develop content for global publicness, and develops maturity for global social governance in specific fields.

According to Rizvi and Lingard, who write on global education policy, “the collection of data, statistical information, ... and educational indicators ... is central to the project of making the globe legible, central to the global aspect of educational governance;” they also argue that:<sup>71</sup>

While the creation of national systems of statistical collection eradicated localized systems of measurement, the emergence of the globe as a commensurable space of measurement has *not* obliterated national data collection systems, but is now an aspect of the governance of education, globally and within nations.

The challenge of enhancing global intelligibility as an element of maturity resides on the question of how and for what purposes statistics become an

---

<sup>70</sup> Promotion of shared literacy from a multi-disciplinary perspective was discussed in the “AAPF Bellagio Workshop”, above n 68.

<sup>71</sup> Rizvi and Lingard, above n 69, 136.

important aspect in the search for better forms of global governance. Addressing this question includes:

- better understanding the impact of statistics upon global social policy-making;
- recognising the limitations of traditional comparative studies to guide global social policy-making, even when they flag some innovation as in the case of happiness indexes, as mentioned above;
- recognising the limitations of UN bureaus to analyse statistics for the purposes of global social-policy making;
- and assessing the underuse or the overuse of scientific data to justify and report upon international social governance, as in the case of the MDGs.

For instance, Harvard Professor Christopher Murray wrote in the prestigious health magazine *The Lancet* that:<sup>72</sup>

Health statistics are at the centre of an increasing number of worldwide health controversies. Several factors are sharpening the tension between the supply and demand for high quality health information, and the health-related Millennium Development Goals (MDGs) provide a high-profile example. With thousands of indicators recommended but few measured well, the worldwide health community needs to focus its efforts on improving measurement of a small set of priority areas. Priority indicators should be selected on the basis of public-health significance and several dimensions of measurability.

He further explains that there are five main factors responsible for the controversies around MDG-related health statistics. These seem to be affecting not only the health sector, but many public sectors that are now heavily

---

<sup>72</sup> Christopher Murray “Towards Good Practice for Health Statistics: Lessons from the Millennium Development Goal Health Indicators” (2007) 369 *The Lancet* 862 at 862.



influenced by global social policy. Murray explains the five factors throughout his article. In fact, these factors are applicable to the reality of the UN and global education. Paraphrasing Murray, the prejudicial factors are:<sup>73</sup>

- Higher demand for accountability and transparency from governments and IGOs; given that civil society groups, donors, scientists, and the general public “want to benchmark progress and performance of public health and medicine.”
- There is a general scepticism, including from the media, about both statistical and scientific arguments.
- International information has expanded to cover “descriptive epidemiology about health to dimensions of public health and medicine such as quality, efficiency, and equity.”
- Leaders involved with global-health programmes and public-private global health initiatives find it necessary to produce more information and make it available to general consumption.
- Demand for health information grew, but primary data collection platforms in developing countries did not.

Murray’s study of health statistics reinforces the argument for global intelligibility, given that even in global health, arguably a more mature sector for global governance, there is a lack of adequate indicators, which take into consideration the global publicness of the policy response. Besides, Murray’s study is a good example of how and why a preoccupation with global intelligibility is valid across sectors. There is an incredible demand for information, and the traditional moves to satisfy that include: benchmarking

---

<sup>73</sup> Ibid, at 862-863.

progress and performance of public services from the supranational level, demanding from and relying upon under-resourced national bureaus, and providing information to fulfil a need for transparency without a proper concern with the depth and the quality of data provided. These, instead of clarifying and providing evidence, create confusion. The controversies around these practices reinforce the claim for global intelligibility as an important aid for establishing which issues are common and which is the right content for global social policies.

With the expansion of global social policy partially fuelled by the MDGs, new interactions create an enormous demand for indicators, such as the HDI, the GNH and the HPI. This demand has been met without strategies to bring these measurements to the transnational level and also to the mainstream of global politics. They are also working outside of the MDG strategy; in general, knowledge about the extension of MDG benefits is still very poor.

Murray himself devises a way to assess, for example, the public-health significance of official MDG indicators. The results on the public importance of official MDGs indicators are not encouraging.<sup>74</sup> As of now, the role of statistics in the MDG project, and in global social governance more generally, has been assessed as poor, and has generated controversy. One of the main triggers of controversy is the lack of public significance of the indicators currently used for measuring social policy effectiveness. This fact reinforces the argument for harnessing better global intelligibility as it also connects better intelligibility with high levels of publicness.

---

<sup>74</sup> Ibid, at 866.

Only when more complex types of measurements, and non-traditional spaces of equivalences (in this case, transnational arenas) be identified and explored in the field of statistics, the global public domain will be better understood, and global governance, especially the activities that influence public services, be more effective. Although this is a simple proposition, these types of transnational, social indicators are difficult, if not impossible, to find in data studies conducted today.<sup>75</sup> Meanwhile, if measures such as the HDI, the GNH, and HPI started to be taken as seriously as the GDP, as guides to frame global social policies, these would likely be more effective than what they are today. Therefore, a relatively easy way of maturing for global governance is to start looking for innovative ways of measuring people's welfare, beyond the GDP, whenever a new global policy framework is at stake.

In short, despite some advancement in scope, which is represented by attempts to measure planetary happiness and human development, the world is not yet legible.

Global public services, in particular, especially how they perform transnationally, are yet not legible because we lack data and the right vision to collect data outside the country-to-country model. There is a need to campaign for transnational social indicators for the sake of knowing our global public domain better, understanding its priority needs, and acting upon them with a long-term focus, as required by a scenario that needs to mature for global social governance.

---

<sup>75</sup> African American Policy Forum "AAPF Bellagio Workshop", above n 68.

## *V Final Considerations*

I started my doctoral research because I was intrigued with the great number of public services coming from the global level, especially after the establishment of MDGs. After researching current practices in global governance in public services, I was curious about how considerations of publicness in global public services have been so timidly addressed; how they got lost amidst a 20th century belief that public services are what the State provides or enables.

After researching how global governance in public services takes place, or is said to take place, I was also intrigued by questions about how the theory translated in practice without one of its major components, self-steering. It happens that self-steering holds a close connection to new forms of publicness. Ignoring self-steering can be associated with global scholars and practitioners ignoring considerations of publicness when performing acts of social governance.

Both the current reality of global social governance and its future development require new considerations of publicness. In the last twenty years, the global level has had a great impact on public services. This impact can no longer be accepted as– and hidden under a label of– second-best policy option.<sup>76</sup> Since the global level has engaged with staple public services from worldwide vaccination to worldwide student evaluation schemes (as this thesis endeavoured to demonstrate), it rather be transformed into an adequate, first-option arena to develop specific global social policies.

---

<sup>76</sup> Inge Kaul, Isabelle Grunberg and Marc A. Stern (eds), *Global Public Goods: International Cooperation in the 21st Century* (1999), at Introduction.

As of now, the public nature of public services, which have been relocated to the global level, has been ignored. With this thesis, I attempted to provide evidence and initiate a debate about what publicness within global governance looks like, and what it should look like.

Arguably, global social governance with enhanced levels of publicness needs to be able to rank which social demands are transnational and it needs to be able to address these demands through higher-levels of self-steering. These two abilities depend on a global political context that is more advanced than what we currently can foster.

With a maturity approach, I attempted to provide a frame of thinking and action that make the proposal of constructing this challenging, ideal global political context less overwhelming. The construction of global publicness, and consequently publicness within global governance, is indeed hard work. It requires cultural and political changes that many of us, from individuals, to corporations, to IGOs, are not prepared to undertake. It requires that individuals, for instance, become aware that a portion of their health care, of the education of their children, of the provision of their water is not – and should not – be the responsibility of their governments, but of transnational and international organisations that decide to pick up that tab. It requires that global actors, including corporations engaged with public private partnerships, see their roles as generating public responsibilities, and as intertwined with steering roles that organisations at the grassroots levels are exercising. It requires that IGOs, transnational NGOs, multinational corporations agree upon mechanisms of visibility and public scrutiny for the services that are relocated to the global level. It requires mechanisms of transnational deliberation to rank priorities to be relocated to the global level ... The list of the novel things that

global publicness requires goes on and on. These changes are not going to happen overnight. They will take time and many discussions, public education campaigns, policy debates, etc. They will also require leaders with a different view of world inequalities; of why we need a global public domain in the first place; and of why the state alone is no longer able to run all things public. A maturity approach acknowledges the complexity of these changes and recognises small victories towards them as positive, necessary steps in the process of maturing for global governance.

A maturity approach addresses questions like “how do you promote more effective global social governance when the moral argument is not working?” , or like “how do you make fair universal policies when there is no practical mechanism of global deliberation in place” by not offering strategic answers (like adopting the enlightened self-interested argument) or not devising practical mechanisms (like increasing NGO participation at the IGO level), or not setting goals like the MDGs. A maturity perspective will give answers that are not going to yield immediate outcomes; and I am at ease about it.

Outcomes and strategies matter, but they will be addressed by approaches other than the maturity approach. A maturity approach aims at promoting wider conversations about the context for outcomes and strategies to be successful. For instance, it will address the question about what to do if the moral argument is not working by asking back: what are the cultural and behavioural changes we have to nurture for it to work? The maturity approach wants to promote a genuine debate about this and other fundamental questions that can no longer be ignored. The maturity perspective can serve as analytical tool and should always accompany pragmatic attempts of global partnerships to design and provide public services.

The maturity approach believes that change-of-mentality exercises are, at a minimum, as important as thinking about practical mechanisms to deliver aid to attend to the immediate demands of those who are sick, without food, without education, without shelter, etc.

The maturity approach also draws attention to the fact that because structural questions are so daunting, they have been ignored and, often, regarded as utopian or unimportant. Beyond practical devices and how-to frameworks, attention needs to be paid to changing fundamental structures of social and political relations today, even if it will take time. This is a simple and overstated argument, yet it has not been taken seriously enough in the new moves towards globalising public services and establishing a large number of public private partnerships. If this simple argument had been better cared for, global public services would likely have been devised in a more public way than is currently the case.<sup>77</sup>

While this thesis aimed at providing evidence that global governance in public services is a well-consolidated trend in specific policy-fields, it has also endeavoured to point out that innovative global social policy generally does not include much-needed considerations of publicness, much less of global publicness.<sup>78</sup> It is hoped that these arguments have been made well enough to provoke new questions and research interests about social policy made at the

---

<sup>77</sup>The term “conditions of possibility” for effective, global cooperation was deployed to mean that these conditions are not easily developed at the Introduction of Inge Kaul, Isabelle Grunberg and Marc A. Stern (eds) *Global Public Goods: International Cooperation in the 21st Century*. Contrast with Lisa Martin “The Political Economy of International Cooperation” in Inge Kaul, Isabelle Grunberg and Marc Stern (eds) *Global Public Goods: International Cooperation in the 21st Century* (Oxford University Press, Oxford, 1999) 51 at 52.

<sup>78</sup> Ibid, at xxix.

global level, and about how effective they are as potential triggers of public service provision beyond the State.

Lastly, I believe that students who decide to engage with this new arena, filled with exciting opportunities for public private partnerships to develop, will understand the need for a maturity approach. They will be able to envision the long road ahead: the abyss that still exists between the current disruption of public services as traditionally understood and the construction of an effective public sector at the global level. A maturity approach will likely attract attention because it provides a way forward in a difficult context: a global domain that is poorly understood and extremely active at the same time. No matter how challenging it might be, the reality of making global social policy is upon us, and might as well be used as an opportunity to produce effective social services, absorbing some aspects of publicness that have been recently lost.



## BIBLIOGRAPHY

### *I Primary Sources*

#### ***1.1 International Law and Materials***

*Agenda 21, the Rio Declaration on Environment and Development, and the Statement of principles for the Sustainable Management of Forests* (adopted at the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, Brazil, 3 to 14 June 1992). Sec. III, A/Conf.151/26 Vol.III.

*Agreement on Trade-Related Aspects of Intellectual Property Rights* (TRIPS) signed in April 15, 1994 as Annex 1C of the Marrakesh Agreement establishing the World Trade Organization, Marrakesh, Morocco).

*Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme* GA Res 46/152, A/Res/46/152 (1991).

*Constitution of the World Health Organisation* (Forty-fifth edition, Supplement October 2006, first adopted by the International Health Conference, 19-22 July 1946, signed on 22 July 1946 and entered into force on 7 April 1948).

*Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990).

*Declaration of Alma Ata* (International Conference on Primary Health Care, Alma-Ata, USSR, 6-12 September 1978).

*Economic and Social Council Resolution 122 (VI) A. Child Welfare, B. Advisory Social Welfare Services, C. Social Problems in Under-Developed Areas, D. Housing and Town and Country Planning* ESC Res 122 (VI), 6th sess, E/777 (1948).

*Economic and Social Council Resolution 222 (IX) Economic Development of Under-Developed Countries* ESC Res 222 (IX), 14 and 15 August (1949).

*Economic Commission for Africa Public Sector Management Reforms in Africa: Lessons Learned* (Development Policy Management Division, ECA/DPDM/PSM/TP/03/1, December 2003).

*Expanded Programme of Technical Assistance for the Economic Development of Under-Developed Countries* GA Res A/Res/519(VI) A-B (1952).

*Happiness: Towards a Holistic Approach to Development* UN GA Res A/RES/65/309 (2011).

*International Centre for Training in Public Administration*, ESC Resolution 253 E/RES/253 (IX) (1949).

*International Covenant on Social, Economic and Cultural Rights* (adopted 16 December 1966, entered into force 3 January 1976).

*International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976).

*International Facilities for the Promotion of Training in Public Administration* ESC Res 24, E/694 (1948).

*International Facilities for the Promotion of Training in Public Administration* GA Res 246, UN GA, 3rd sess, 174th plen mtg, (1948).

*Public Administration and Development* ESC Res E/RES/2002/40 (2002).

*Proposal for the Establishment of an International Administrative Service* ESC Res 681 (XXVI) 1036<sup>th</sup> plen mtg, (1958).

*Regular Programme of Technical Assistance* ESC Res 492 (XVI), 747th plen mtg (1953).

*Report by the Secretary General on the United Nations Programmes of Technical Assistance* ESC Res 696 (XXVI), 1044th plen mtg (1958).

*Responsibility of the Security Council in the Maintenance of Peace and Security: HIV/AIDS and International Peace-Keeping Operations* SC Res 1308, S/Res/1308 (2000).

*Restructuring and Revitalization of the Group of Experts on the United Nations Programme in Public Administration and Finance* ESC Res E/RES/2001 45.

*Technical Assistance* ESC Res 623 (XXII), 951st plen mtg (1956).

*The Universal Declaration of Human Rights* (adopted by the UN General Assembly on 10 December 1948).

*United Nations Millennium Declaration* GA Res 55/2, A/55/L.2 (2000).

*United Nations Repertory of Practice of United Nations Organs* Supplement No. 9, Vol. IV (1995-1999), Articles 58, 64 and 9.

*2005 World Summit Outcome* GA Res 60/1 at [43], A/Res/60/1 (2005).

## ***1.2 Other Official Sources***

*An Agenda for Development* A/48/935 Report of the Secretary-General (1994).

Bertucci, Guido and Rosenbaum, Allan (eds) *Implementing the Millennium Development Goals: Challenges and Responses for Public Administration: Contribution of the United Nations Committee of Experts on Public Administration* ST/ESA/PAD/SER.E/116 (United Nations Economic and Social Affairs, New York, 2007).

Birdsall, Nancy; Levine, Ruth and Ibrahim, Armina *Toward Universal Primary Education: Investments, Incentives, and Institutions* (Report of the UN Millennium Project Task Force on Education and Gender Equality, 2005).

Commission on Global Governance *Our Global Neighborhood* (the report of the Commission on Global Governance, Oxford University Press, Oxford, 1995).

Commission for Social Development *Report on the Forty-Third Session* (UN Economic and Social Council) E/2005/26 E/CN.5/2005/7 (2005).

Committee of Experts on Public Administration *Revitalizing Public Administration: Strategic Directions for the Future* E/C.16/2005/2 Report of the Secretary-General (2005).

*Contribution of the United Nations to the Improvement of Public Administration: A 60-Year History* at [9], ST/ESA/PAD/SER.E/115, UNDESA (2009).

*Economic and Social Council Chief Executives Board Annual Overview Report of the United Nations System Chief Executives Board for Coordination for 2008/2009* Un Doc E/2009/67 (2009).

*Five-year Assessment of the Progress Made in the Implementation of General Assembly Resolution 50/225 on Public Administration and Development* A/56/127Add.1-E/2001/101/Add.1 Report of the Secretary-General (2001).

*Follow-Up Actions to the Recommendations of the International Conference on Population and Development: International Migration* UN ESCOR, Report of the ACC Task Force on Basic Social Services for All. Un Doc E/CN.9/1997/4 (1997).

*Follow-up to the World Summit for Social Development and the Twenty-Fourth Special Sess of the GA: Review of Relevant UN Plans and Programmes*

*of Action Pertaining to the Situation of Social Groups*, UN ESCOR, UN Doc E/CN.5/2010/L.3 (2010).

*Global Outbreak Alert and Response* WHO/CDS/CSR/2000/3 (report of a WHO meeting, Geneva, Switzerland, 26-28 April 2000).

*High-Level Meeting to Examine E-Government Projects in Caribbean* UN Department of Public Information Un Doc PI/1807 (2007).

*Human Rights Guidelines for Pharmaceutical Companies in relation to Access to Medicines* (published in the report to the General Assembly of the UN Special Rapporteur on the right to the highest attainable standard of health, A/63/263, 11 August 2008).

*Implementation of the Outcome of the World Summit for Social Development and of the Twenty-Fourth Special Session of the General Assembly* A/63/133 Report of the Secretary-General (2008).

*Keeping the Promise: a Forward-Looking Review to Promote and Agreed Action Agenda to Achieve the Millennium Development Goals by 2015* A/64/665. (Report of the Secretary-General, 64 sess, 12 February 2010).

*OECD Improving Performance: Leading from the Bottom* (PISA in Focus Report, March 2011).

*OECD PISA 2009 Assessment of Framework: Key Competencies in Reading, Mathematics and Science* (Programme of International Student Assessment, 2009).

*Report of the World Summit for Social Development* (World Summit for Social Development) A/Conf. 166/9 (1995).

*Road Map towards the Implementation of the United Nations Millennium Declaration* A/56/326 Report of the Secretary-General (2001).

*Subsidiary Bodies of the Economic and Social Council and the General Assembly in the Economic, Social and Related Fields* E/2008/INF/3 Note by the Secretary-General (2008).

*Substantive Issues Arising in the Implementation of the International Covenant of Economic, Social and Cultural Rights* E/C.12/2000/4 General Comment No. 14 (2000).

Sen, Amartya (chair) *Civil Path to Peace: Report of the Commonwealth Commission on Respect and Understanding* (Commonwealth Commission on Respect and Understanding, 2007).

The Bologna Process *The Bologna Process 2020 - The European Higher Education Area in the New Decade*" (2009) (report prepared in reference to the Leuven and Louvain-la-Neuve *Communiqué* of the Conference of European Ministers Responsible for Higher Education, 2009).

The Global Fund to Fight Aids, Tuberculosis and Malaria *Making a Difference: Global Fund Results Report 2011* (2011).

The Global Fund to Fight AIDS, Tuberculosis and Malaria *Results with Integrity: the Global Fund's Response to Fraud* (April, 2010) Section 1, 4.

*The Right to Food Note by the Secretary General*, UN GA, UN Doc A/56/210 (23 July 2001).

The UN Millennium Project *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals* (Report to the UN Secretary-General, New York, 2005).

UN Department of Economic and Social Affairs Office for ECOSOC Support and Coordination *ECOSOC Ad Hoc Advisory Groups in African Countries Emerging from Conflict: The Silent Avant-Garde* (UNDESA, 2006).

UNESCO *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

UNESCO *Overcoming Inequality: Why Governance Matters* (Education for All Global Monitoring Report, Oxford University Press, 2008).

UN ESCOR *Committee of Experts on Public Administration Report on the Second Session* at [17] UN Doc E/2003/44 (2003).

UN ESCOR, *UN Economic and Social Council Chief Executives Board Annual Overview Report of the United Nations System Chief Executives Board for Coordination for 2008/2009* (2009).

*UN GA an ILO Discussion Paper: The Financial and Economic Crisis: A Decent Work Response* UN Doc GB.304/ESP/2 (2009).

"UNICEF Education Strategy" (2007) UN Doc E/ICEF/2007/10  
< <http://www.unhcr.org/refworld/docid/4a7be9952.html>>.

United Nations Department of Economic and Social Affairs Office for ECOSOC Support and Coordination "Achieving the Internationally Agreed Development Goals: Dialogues at the Economic and Social Council" ( UN ESCOR, New York, 2005).

United Nations Department of Economic and Social Affairs "Tackling Insecurity in Old Age: The Challenge of Universal Pensions" (2007) UNDESA-Policy Brief 3 <<http://www.un.org/en/development/desa>>.

United Nations Department of Public Information *Social Development Commission Panel Considers Priority Theme - Social Integration: Speakers Examine Obstacles to Policies Aimed at Achieving Society for All* UN Doc SOC/4759 (2010).

United Nations World Water Assessment Programme *Water for People: Water for Life* (UNESCO, 2003).

*United States Department of State Annual Report Annex* (Bureau of International Organisation Affairs November, 2010).

World Bank Development Committee *Progress Report for the Education For All-Fast Track Initiative* (Attached to the Development Committee Meeting of September 18, 2006).

World Health Organisation and Partnership to Stop TB *Report of the Sixth Meeting of the Subgroup on Public Private Mix for TB Care and Control 2010* (Subgroup on Public Private Mix for TB Care and Control, 2010).

World Health Organisation and Stop TB Partnership *Actions for Life: the Global Plan to Stop TB* (World Health Organisation, 2006), Introduction .

World Health Organisation *Global TB Control Report* (Tuberculosis Programme, 2010), section 4.

World Health Organisation "International Health Regulations" (2ed, World Health, Organisation, reprinted in 2008).

World Health Organisation, *2008 World Health Report: Primary Health Care: Now More than Ever* (2008).

## *II Secondary Sources*

### *2.1 Books, Essays in Books, Journal Articles and Discussion Papers*

Alvarez, J "International Organisations as Law-Makers" (Oxford University Press, United States, 2006).

Appadurai, A "Deep Democracy: Urban Governmentality and Horizon of Politics" (2002) 14 Public Culture.

Apple, Michael "Understanding and Interrupting Neoliberal and Neoconservative Policies in Education" (paper presented to the XIV World Congress of Comparative Education Societies: Bordering, Re-bordering and New Possibilities in Education and Society, Istanbul, June 2010.)

Arendt, Hanna *The Human Condition* (5th ed, The University of Chicago Press, Chicago, 1969) ch II.

Aylward, BR and others "Polio Eradication" in R Smith and others *Global Public Goods for Health: Health Economic and Public Health Perspective* (Oxford, Oxford University Press, 2003) 33.

Aziz, Davinia "Global Public-Private Partnerships and International Law: New (Mis) uses of International Organisation Privileges and Immunities" (paper presented at the 2nd NUS-AsianSIL Young Scholars Workshop, NUS Law School, October 2010).

Baker, D and LeTendre, GK *National Differences, Global Similarities: World Culture and the Future of Schooling* (Stanford Social Sciences, Palo Alto, 2005).

Banerji, Debabar "Reflections on the Twenty-Fifth Anniversary of the Alma-Ata Declaration" (2003) 33 *International Journal of Health Services* 813.

Barrett, Diana; Austin, James and McCarthy, Sheila "Public-Private Partnerships: Illustrative Examples" in Michael Reich (ed) *Public-Private Partnerships for Public Health* (Harvard Center for Population and Development Studies, Cambridge (Mass), 2010) 41.

Beredey, G "Sir Michael Sadler's Study of Foreign Systems of Education" (1964) 7 *Comparative Education Review* 307.

Bevir, Mark; Rhodes, RAW and Weller, Patrick "Traditions of Governance: Interpreting the Changing Role of the Public Sector in Comparative and Historical Perspective" (2003) 81 *Public Administration* 1.

Bogdandy, Armin von and Godlmann, Matthias "The Exercise of International Public Authority through National Policy Assessment" (2008) 5 *International Organisation Law Review* 241.

Brock, Gillian and Brickhouse, Harry "Introduction" in G Brock and H Brickhouse (eds) *The Political Philosophy of Cosmopolitanism* (Cambridge University Press, Cambridge, 2005) 1 at 8.

Brown, Tim and Bell, Morag “Imperial or Postcolonial Governance? Dissecting the Genealogy of a Global Public Health Strategy” [2008] *Social Science and Medicine* 1571.

Bruhl, Tanja and Rittberger, Volker "From International to Global Governance: Actors, Collective Decision-Making, and the United Nations in the World of the 21st Century" in Volker Rittberger (ed) *Global Governance and the United Nations System* (United Nations University Press, Tokyo, 2002).

Brunkhorst, H “Globalising Democracy without a State: Weak Public, Strong Public, Global Constitutionalism” (2002) 31 *Millennium – Journal of International Studies* 675.

Budd, Leslie et al (eds) *Making Policy Happen* (Routledge, London, 2006).

Burci, Gian Luca “Public Private Partnerships in the Public Health Sector” (GAL Working Paper Series, Institute for International Law and Justice, New York University, 2012).

Buse, Kent and Lee, Kelley “Business and Global Health Governance”( World Health Organisation Discussion Paper n. 5, Department of Ethics Trade and Human Rights and Health Law, 2005).

Calpado GZ *The Pillars of Global Law* (Ashgate Publishing, London, 2008).

Chand, Sarla “Why TB is Not a Key Agenda for Implementers: What is Missing?” (paper presented to the IMA World Health, 2010).

Collin, Jeff; Lee, Kelley and Bissell, Karen “The Framework Convention on Tobacco Control: The Politics of Global Health Governance” (2002) 23 *Third World Quarterly* 265.

Cohen, J; Singh I and O’Brien, ME “Predicting Global Fund Grant Disbursement for Procurement of Artemisinin-based Combination Therapies” (2008) 7 *Malaria Journal* 200.

Cooper, Andrew; Schrecker, Ted and Kirton, John “Governing Global Health: Challenge, Response, Innovation” (Ashgate, Burlington, 2007).

Crenshaw, Kimberlé “Framing Affirmative Action’ (2007) 105 *Michigan Law Review* First Impressions.

Crenshaw, Kimberlé and others (eds) “Critical Race Theory: The Key Writings that Formed the Movement” (The New Press, New York, 1996).

Crossette, Barbara “Reproductive Health and the Millennium Development Goals: The Missing Link” (2005) 36 *Studies in Family Planning* 71.



- Deacon, Bob "The Governance and Politics of Global Social Policy" (2005) 4 *Social Policy and Society* 437.
- Deacon, Bob "Shifting the Global Social Policy Discourse: The Impact of the Global Economic Crisis on Ideas about Social Protection, Social Development Policy and Global Social Governance" (paper presented to United Nations Research Institute for Social Development, Geneva, 12 November 2008).
- Deacon, Bob; Hulse, Michelle and Stubbs, Paul *Global Social Policy, International Organisations and the Future of Welfare* (Sage, London, 2007) .
- Derrida, Jacques *On Cosmopolitanism and Forgiveness* (Routledge, London, 2001).
- Dewey, John "The Public and its Problems" (Swallow Press, Athens (Ohio) 1954).
- Dorsey, E and others "Falling Short of our Goals: Transforming the Millennium Development Goals into Millennium Development Rights" (2010) 28 *Netherlands Quarterly of Human Rights* 516-522.
- Drache, Daniel "The Worried Global Public and New Citizenship Practices in an Unheroic Age" (2008) *Travelling Concepts* 271.
- Drucker, Peter "Knowledge-Worker Productivity: The Biggest Challenge" (1999) *XLI California Management Review* 79.
- Dwyer, Owen "Interpreting the Civil Rights Movement: Place, Memory and Conflict" (2000) *The Professional Geographer* 52.
- Elkington, John "Partnerships from Cannibals with Forks: The Triple Bottom Line of 21<sup>st</sup> Century Business" (1998) 8 *Environmental Quality Management* 37-51.
- Eriksen, TH *Globalisation: The Key Concepts* (Berg, Oxford, 2007).
- Etzioni, Amitai *From Empire to Community: A New Approach to International Relations* (Palgrave Macmillan, New York, 2004).
- Falk, Richard "Humane Governance for the World: Reviving the Quest" (2000) 7(2) *Review of International Political Economy* 317.
- Fidler, D *SARS, Governance and the Globalisation of Disease* (Palgrave Macmillan, New York).
- Fisk, Milton "Global Public Goods and Self-Interest in ED Boepple (ed) *Sui Generis: Essays Presented to Richard Thomas Hull* (Bloomington, Author House, 2005).

Florini, AM (ed) "The Third Force: The Rise of Transnational Civil Society" (The Brookings Institution Press, Washington DC, 2000).

Fraser, Nancy *Scales of Justice: Reimagining Political Space*

Fukuda, Sakiko and Ponsio, Richard "Governance: Past, Present, Future; Setting the Agenda for the Millennium Declaration" (Draft paper for Fourth Global Forum: Dialogue and Partnerships for the Promotion of Democracy and Development, December, 2002, Morocco, version 22 October 2002).

Garret, Laurie "The Global health Challenge" (2007) 86 Foreign Affairs 14.

Goldstein, Harvey "The Globalisation of Learning Targets" (2004) 40 Comparative Education 7.

Gostin, LO "A Proposal for a Framework Convention on Global Health" (2007) 10(4) Journal of International Economic Law, 989.

Gostin, LO "Meeting Basic Survival Needs of the World's Least Healthy People toward a Framework Convention on Global Health" (2008) 96 Georgetown Law Journal.

Groom, JR "Getting to Go: The Birth of the UN System" in JR Groom and Paul Taylor (eds) *The United Nations at the Millennium: Principal Organs* (Continuum, New York, 2000) .

Gruskin, Sofia and Raad, Zyde "Are Drug Companies Living Up to Their Human Rights Responsibilities? Moving Towards Assessment" (2010) 7 The PLoS Medicine Debate.

Guidry, John; Kennedy, Michael and Zald, Mayer "Globalisations and Social Movements" in John Guidry, Michael Kennedy and Mayer Zald (eds) *Globalisations and Social Movements: Culture, Power, and the Transnational Public Sphere* (The University of Michigan Press, Ann Arbor, 2000).

Haas, PM "Introduction: Epistemic Communities and International Coordination" (Winter, 1992) 46 International Organisation 1.

Hansmann H "The Role of Nonprofit Enterprise", 89 Yale Law Journal. (1980) 843.

Harris, LC and Narayan, Uma "Affirmative Action as Equalizing Opportunity: Challenging the Myth of Preferential Treatment" in LaFollette Hugh *Ethics in Practice* (3ed, Blackwell Publishing, 2007) at part IV.

Harvey, David *Cosmopolitanism and the Geographies of Freedom* (Columbia University Press, New York, 2009).

- Healey, Margaret "Fictions of Disease in Early Modern England: Bodies, Plagues and Politics" (2001).
- Helman, GB and Ratner, Steven "Saving Failed States" 89 *Foreign Policy* (Winter, 1992-1993) 3 at 11-12.
- Hill, Paul "What's Wrong with Public Education Governance in Big Cities ... And How Should it be Fixed?" in William Lowe Boyd and Debra Miretzky (eds) *American Educational Governance on Trial: Change and Challenges* (The 102nd Yearbook of the National Society for the Study of Education, 2003) .
- Hollis A, Pogge T *The Health Impact Fund: Making Medicines Accessible for All* (Report of Incentives for Global health, 2008).
- Hood, Christopher and Peters, Guys "The Middle Aging of New Public Management: Into the Age of Paradox?" (2004) 14 *Journal of Public Administration Research and Theory* 3.
- Hunt, Paul and Backman, Gunilla "Health Systems and the Right to the Highest Attainable Standard of Health" (2008) 10 *Health and Human Rights: An International Journal*.
- Hunt, Paul and Khosla, Rajat "Are Drug Companies Living Up to Their Human Rights Responsibilities? The Perspective of the Former United Nations Special Rapporteur" (2010) 7 *The PLoS Medicine Debate*.
- Hutchinson, Terry CM *Researching and Writing in Law* (N.S.W. Lawbook, Sydney, 2002).
- Jakobi, AJ *International Organisations and Lifelong Learning: From Global Agendas to Policy Diffusion* (Palgrave Macmillan, New York, 2009) .
- Jefferson, Tom and others "Neuraminidase Inhibitors for Preventing and Treating Influenza in Healthy Adults: Systematic Review and Meta-Analysis" [December 2009] *British Medical Journal*, 339.
- Jessop, Bob and Sum, Ngai-Ling "Pre-Disciplinary and Post-Disciplinary Perspectives on New Political Economy" (2001) 6 *New Political Economy* 89-102.
- Jones, PW and Coleman, David *The United Nations and Education: Multilateralism, Development and Globalisation* (Routledge Falmer. New York, 2005).
- Jones, PW *World Bank Financing of Education: Lending, Learning, and Development* (Routledge, New York, 1992).

Karns, MP and Mingst, KA *International Organisations: the Politics and Processes of Global governance* (Lynne Rienner, Boulder (Colorado) 2004).

Kaul, Inge; Grunberg, Isabelle and Stern, Marc (eds) *Global Public Goods: International Cooperation in the 21st Century* (Oxford University Press, Oxford, 1999).

Kaul, Inge; Conceição, Pedro; Le Goulven, Katell and Mendoza, RU *Providing Public Goods: Managing Globalisation* (Oxford University Press, Oxford, 2003).

Kaul, Inge and Mendoza, Ronald "Advancing the Concept of Public Goods" in I Kaul and others (eds) *Providing Global Public Goods: Managing Globalisation* (Oxford University Press, Oxford, 2003) 78.

Kaul, Inge; Haq, M and Grunberg, I *The Tobin Tax: Coping with Financial Volatility* (Oxford University Press, New York, 1996).

Keck, Margareth and Sikkink, Kathryn "Transnational Advocacy Networks in International and Regional Politics" (1999) 159 *International Social Science Journal* 89.

Kennedy, David "Book Review: The Decay of International Law? A Reappraisal of the Limits of Legal Imagination in International Affairs. By Anthony Carty" (2010) 81 *The American Journal of International Law* 451.

Kickbusch, Ilona "Global Health Governance: Some New Theoretical Considerations on the New Political Space" in Lee, Kelley (ed) *Globalisation and Health* (Palgrave, London, 2003) 192.

Kickbusch, Ilona; Hein, Wolfgang and Silberschmidt, Gaudenz "Governance Challenges through a New Mechanism: The Proposal for a Committee C of the World Health Assembly" [2010 Symposium Global Health Governance] *Journal of Law, Medicine and Ethics* 550.

Kim, JY and others "Tuberculosis Control" in R Smith and others *Global Public Goods for Health: Health Economic and Public Health Perspective* (Oxford, Oxford University Press, 2003) 33.

Kim, Soo Yeon and Russett, Bruce "The New Politics of Voting Alignment in the United Nations General Assembly" (1996) 50 *International Organisation* 629.

Kingsbury, Benedict "The Concept of Law in Administrative Law" (2009) 20 *European Journal of International Law* 23.

Kingsbury, Benedict; Krisch, Nico and Stewart, Richard "The Emergence of Global Administrative Law" (paper presented to the NELLCO Legal Scholarship Repository, Theory Working Papers, NYU School of Law, 2005).

Kirton, John and Sunderland, Laura "The G8 and Global education Governance" (paper presented to the International Workshop: In the Road to Saint Petersburg: The G8 Role in Global Development, May 30 2006) .

Kirton, John and others "*Explaining Compliance with G8 Health Commitments 1996-2006*" in Andrew Cooper and John Kirton (eds) *Innovation in Global health Governance: Critical Cases* (Ashgate Publishing, London, 2009) ch 14.

Kjær, Anne Mette *Governance: Key Concepts* (Polity Press, Cambridge, 2004).

Koller, Andreas "Charles Tilly, Pragmatism, and the Public Sphere" (presentation to the Social Science Research Council, New York, 2008).

Labonte, RN and Schrecker, T "Committed to Health for All? How the G7/G8 rate" (2004) 59 Social Science and Medicine 1661.

LeBlanc, LJ *The Convention on the Rights of the Child: United Nations Lawmaking on Human Rights* (University of Nebraska Press, Lincoln (Nebraska), 1995).

Lee, Kelley *Health Impacts of Globalisation: Towards Global Governance*, Global issues (Palgrave MacMillan, New York, 2003).

Lee, Kelley and others, "Global governance for Health" in Ronald Labonté and others (eds) *Globalisation and Health: Pathways, Evidence and Policy* (Routledge, New York, 2009).

Lemiux, Anthony and Pratto, Felicia "Poverty and Prejudice" in SC Car and TS Sloan *Poverty and Psychology: from Global Perspective to Local Practice* (Kluwer Academic/Plenum Publishers, New York, 2003) 146.

Lewis, D and Kanji, N *Non-Governmental Organisations and Development* (Routledge, Oxon (New York), 2009).

Lippmann, Walter "The Phantom Public" (Transaction Publishers, New Jersey, 1927).

\_\_\_\_\_*The Public Philosophy* (Originally Published: Boston, 1955; Transaction Publishers, New Jersey, 1989).

Llewellyn, K *The Bramble Bush: On Our Law and Its Duty* (Oceana Publications, New York, 1951).

Louette, Anne “Compêndio de Indicadores de Sustentabilidade de Nações” (Willis Harman House, São Paulo, 2009).

Loughlin, Kelly and Berridge, Virginia “Global Health Governance: Historical Dimensions of Global Governance” (Discussion Paper n.2 Department of Health and Development World Health Organisation, 2002).

Luard, Evan *Socialism Without the State* (Macmillan, London, 1979).

\_\_\_\_\_ *The Globalisation of Politics: The Changed Focus of Political Action in the Modern World* (Macmillan, London, 1990).

Makinda, Samuel “Recasting Global governance” in RC Thakur and E Newman *New Millennium, New Perspectives: the United Nations, Security, and Governance* (United Nations University Press, 2003).

Manning, Richard *Using Indicators to Encourage Development: Lessons from the Millennium Development Goals* (Danish Institute for International Studies, 2009).

Mansbridge, Jane “A Deliberative Perspective on Neocorporatism” (1992) 20 *Politics and Society* 493.

\_\_\_\_\_ *Beyond Adversary Democracy* (University of Chicago Press, Chicago, 1983).

Martin L “The Political Economy of International Cooperation” in Inge Kaul, Isabelle Grunberg and Marc Stern (eds) *Global Public Goods: International Cooperation in the 21st Century* (Oxford University Press, Oxford, 1999) 51.

Meier, BM and Mori, L “The Highest Attainable Standard: Advancing a Collective Human Right to Public Health” (2005-2006) 37 *Columbia Human Rights Law Review* 101.

Minow, Martha “Partners, Not Rivals? Redrawing the Lines between Public and Private, Non-Profit and Profit, and Secular and Religious” (2000) 80 *Boston University Law Review* 1061.

Martens, K and Jakobi, AP *Mechanisms of OECD Governance: International Incentives for National Policy-Making?* (Oxford University Press, Oxford, 2010).

McGrew, A “Power Shift: from National Government to Global Governance” in D Held (ed) *A Globalizing World? Culture, Economics, Politics* (Routledge, London, 2000).

Meier, BM and Mori, LM “The Highest Attainable Standard: Advancing a Collective Human Right to Public Health” (2005-2006) 37 Colum. Hum. Rts. L. Rev. 101.

Merrill, Martha "Educational Borrowing in Quality Assessment Standards: The European Tuning Project Played on a Kyrgyz Komuz" (paper presented to the XIV World Congress of Comparative Education Societies, Istanbul, June 2010).

Meyer, JW *School Knowledge for the Masses: World Models and National Primary Curricular Categories in the 20th Century* (Falmer Press, Washington DC, 1992).

Moellendorf, D *Cosmopolitan Justice* (Westview Press, Boulder (Colorado), 2009).

Mooney, Gavin and Dzator, Janet “Global Public Goods for Health: A Flawed Paradigm?” in Smith and others (eds) *Global Public Goods for Health: Health Economics and Public Health Perspectives* (Oxford, Oxford University Press, 2003).

Moser, Kath; Leon, David and Gwatkin, Davidson “How Does Progress towards Child Mortality Millennium Development Goal Affect Inequalities between the Poorest and Least Poor? Analysis of Demographic and Health Survey Data” (2005) 19 British Medical Journal 1180.

Moyo, D “Dead Aid: Why Aid is Not Working and How There is a Better Way for Africa?” (First American Ed, Farrar, Straus and Giroux, 2009).

Mundy, Karen "Global Governance, Educational Change" (2007) 43 Comparative Education 340.

Mundy, Karen and Murphy, Lynn “Transnational Advocacy, Global Civil Society? Emerging Evidence from the Field of Education” (2001) 45 Comparative Education Review 85.

Murphy, CN “Global Governance: Poorly Done and Poorly Understood” (2000) 76 International Affairs 789.

Murray, Christopher “Towards Good Practice for Health Statistics: Lessons from the Millennium Development Goal Health Indicators” (2007) 369 The Lancet 862.

Nashat, M *National Interests and Bureaucracy versus Development Aid* (Tribune Editors, Geneva, 1978).

Newman, Janet and Clarke, John *Publics, Politics and Power: Remaking the Public in Public services* (SAGE, the University of Michigan, 2009).

Newman J (ed) *Remaking Governance: Peoples, Politics and the Public Sphere* (The Policy Press, Bristol, 2005).

Nussbaum, M "Patriotism and Cosmopolitanism: Martha Nussbaum with Respondents" in M. Nussbaum and J. Cohen (eds) *For the Love of Country: Debating the Limits of Patriotism* (Beacon Press, Boston, 1996).

Peretz, Miriam-Ben *Policy-Making in Education: a Holistic Approach in Response to Global Changes* (Rowman & Littlefield Education, Lanham (Maryland), 2009).

Peters, G and Savoie, DG (eds) *Governance in the 21st Century: Revitalizing the Public Service* (McGill-Queen's University Press, Montreal, 2000).

Pfeifer, J "International NGOs in the Mozambique Health Sector: The Velvet Glove of Privatization" in Arachu Castro and Merrill Singer "Unhealthy Health Policy: a Critical Anthropological Examination" (AltaMira Press, Walnut Creek (California), 2004).

Phillips, D and Ochs, K "Researching Policy Borrowing: Some Methodological Challenges in Comparative Education" (2004) 30 British Educational Research Journal 773.

Pogge, T "World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms" (2th ed, Polity, Cambridge, 2008).

Popkewitz, TS *Cosmopolitanism and the Age of School Reform: Science, Education, and Making Society by Making the Child* (Routledge, New York, 2008).

Puryear, J "International Education Statistics and Research: Status and Problems" (1995) 15 International Journal of Educational Development 79.

Rao, JM "Equity in a Global Public Goods Framework" in Inge, Kaul; Isabelle Grunberg and Marc Stern (eds) *Global Public Goods: International Cooperation in the 21st Century* (Oxford University Press, Oxford, 1999) 68.

Redfield, Peter "Doctors, Borders and Life Crisis" (2005) 20 Cultural Anthropology 338.

Reich, Michael "Global Health Governance" in Michael Reich (ed) *Public Private Partnerships for Health: Partnerships for Public Health* (Harvard Center for Population and Development Studies, Cambridge (Mass), 2010).



Ritter, GERALYN "Are Drug Companies Living Up to Their Human Rights Responsibilities? The Merck Perspective" (2010) 7 *The PLoS Medicine Debate*.

Rizvi, F and Lingard, B *Globalizing Education Policy* (Routledge, New York, 2010).

Roberts, A "Evan Luard as a Writer on International Affairs" (1992) 18(1) *Review of international Studies* 63.

Robertson, Susan "The New Spatial Politics of (Re) Bordering and (Re) Ordering the State-Education-Citizen Relation for the Global Economy" (paper presented to the XIV World Congress of Comparative Education Societies: Bordering, Re-bordering and New Possibilities in Education and Society, June 2010).

\_\_\_\_\_ "Embracing the Global: Crisis and the Creation of a New Semiotic Order to Secure Europe's Knowledge-Based Economy" (2007) Centre for Globalisation, Education and Societies <<http://www.bris.ac.uk>> .

Rhodes, RAW "The New Governance: Governing without Government" (1996) XLIV *Political Studies* 652.

\_\_\_\_\_ "Understanding Governance: Ten Years On" (August, 2007) 28 *Organisation Studies* 1243.

Rogers, Naomi "Race and the Politics of Polio: Warm Springs, Tuskegee, and the March of Dimes" (2007) 97 *American Journal of Public Health* 784

Rosenau, JN *Along the Domestic-Foreign Frontier: Exploring Governance in a Turbulent World* (Cambridge University Press, Cambridge, 1997).

\_\_\_\_\_ "Governance in the 21st Century" (1995) 1 *Global Governance* 13.

\_\_\_\_\_ "Governance, Order, and Change in World Politics" in James N. Rosenau and Ernst Otto Czempiel (eds) *Governance without Government: Order and Change in World Politics* (Cambridge University, Cambridge, 1992).

Rosenau, JN and Czempiel, EO *Governance without Government: Order and Change in World Politics* (Cambridge Press, Cambridge, 1992).

Roudometof, V "Transnationalism, Cosmopolitanism and Glocalisation" [2005] *Current Sociology* 113.

Rubenstein, Jennifer "Accountability in an Unequal World" (2007) 69 *The Journal of Politics* 616.

- Ruggie, JG "Reconstituting the Global Public Domain – Issues, Actors and Practices"(2004) 10 (4) *European Journal of International Relations* 499.
- Salamon, Lester "Partners in Public services: Government-Nonprofit Relations in the Modern Welfare State (John Hopkins University Press 1995).
- Sands, Philippe and Klein, Pierre *Bowett's Law of International Institutions* (6th, Thomson Reuters (Legal), London, 2009) at 25.
- Savoie, DJ "Introducing the Topic" in DJ Savoie and G Peters (eds) *Governance in the 21st Century: Revitalizing the Public Service* (McGill-Queen's University Press, Montreal, 2000).
- Schillcutt, Samuel and others "Cost-Effectiveness of Malaria Diagnostic Methods in sub-Saharan Africa in an Era of Combination Therapy" (2008) 86 *Bulletin of the World Health Organisation* <  
<http://www.who.int/bulletin/volumes/86/2/07-042259/en/>>.
- Sen, Amartya "Violence, Identity and Poverty" (2008) 45 *Journal of Peace Research* 5.
- \_\_\_\_\_ *Development as Freedom* (Knopf, New York, 1999).
- Seytre, Bernard and Shaffer, Mary "The Death of a Disease: a History of the Eradication of Poliomyelitis" (Rutgers University Press, New Jersey, 2005).
- Sidibé, Michael; Tanaka, Sonja and Buse, Kent *People, Passion & Politics: Looking Back and Moving Forward in the Governance of the AIDS Response* (UNAIDS Global governance Report, 2010).
- Smith, R and others "Global Public Goods for Health: Health Economic and Public Health Perspective" (Oxford, Oxford University Press, 2003).
- Sokol, Daniel "Sweetening the Scent: Commentary on 'What Principlism Misses'" 35 *J Med Ethics* 2009, 232.
- Spring, JH *Globalisation of Education: An Introduction* (Routledge, New York, 2009).
- Sunkel, O "Poverty and Development: From Economic Reform to Social Reform" in *Issues in Global Governance*, Papers Written for the Commission on Global Governance (Kluwer Law International, London, 1995).
- Taylor, Allyn "Governing the Globalisation of Public Health" (2004) 32 *The Journal of Law, Medicine and Ethics* 500.

Terry, Laurel "The Bologna Process and its Impact in Europe: Much More than Degree Changes" (2008) 41 Vanderbilt Journal of Transnational Law 107.

Tesón, FR "Brain Drain" 45 San Diego L. Rev. 899.

Tocqueville, Alexis de *Democracy in America* (J. P. Mayer (ed) , George Lawrence (trans), Anchor books (1969).

Ura, Karma and others. A Short Guide to Gross National Happiness Index (*A report written at The Center for Bhutan Studies*, 2012) 23

Wahab, MSA "Cultural Globalisation and Public Policy: Exclusion of Foreign Law in the Global Village" In Michael Freeman (ed) 8 Law and Sociology: Current Legal Issues 2005 (2006).

Walt, Gill and Buse, Kent "The World Health Organisation and Global Public-Private Health Partnerships: In Search of 'Good' Global health Governance" in Michael Reich (ed) *Public Private Partnerships for Health: Partnerships for Public Health* (Harvard Center for Population and Development Studies, Cambridge (Mass), 2010) 16.

Wendt, A "Anarchy is What States Make of It: The Social Construction of Power Politics" (1992) 46 International Organisation 396.

Whitehall, Geoffrey "Preemptive Sovereignty and Avian Pandemics" (2010) 13 Theory & Event 1.

### *III Other Sources*

#### *3.1 Internet Materials*

African American Policy Forum, *13 Myths about Affirmative Action* (2006) Affirmative Action Resources <[http://aapf.org/tool\\_to\\_speak\\_out/focus/](http://aapf.org/tool_to_speak_out/focus/)> .

"Bologna+10 Ministerial Conference" (2010) The Bologna Process <<http://www.ond.vlaanderen.be/hogeronderwijs/bologna/>> .

"Capacity Building in Sub-Saharan Africa" (2010) World Bank Web Resources <<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES>> .

Commission on the Social Determinants of Health "Social Determinants of Health" (2011) World Health Organisation < <http://www.who.int.org>>.

"Constitution and By-Laws" (2010) Global Campaign for Education  
<<http://www.campaignforeducation.org/en/resource-center>>.

Doctors Without Borders "About Us" (2010) Doctors Without Borders  
<<http://www.doctorswithoutborders.org/aboutus/timeline.cfm?ref=main-menu>>.

"Drug Companies, UNAIDS Make Drugs Available" (1998) 13 AIDS Alert  
<<http://www.ncbi.nlm.nih.gov/pubmed/11364863>>.

Education For All Fast Track Initiative "About FTI" (2011) World Bank Group  
<<http://www.educationfasttrack.org/about-fti/>>.

Education For All Fast Track Initiative "Learning Outcomes" (2001) World Bank Group  
<<http://www.educationfasttrack.org/FTI-at-Work/learning-outcomes/>> .

Falk, Richard "Reimagining the Governance of Globalisation" (2003) The Transnational Foundation for Peace and Future Research  
<[http://www.transnational.org/SAJT/forum/meet/2003/Falk\\_GlobalisationImagine.html](http://www.transnational.org/SAJT/forum/meet/2003/Falk_GlobalisationImagine.html)>.

Global Campaign for Education "Chile" (2011) Your Country  
<<http://campaignforeducation.org/en/chile/>>.

"Global Fund Releases its 2010 Results Report" (2010) News Stories.  
<[http://www.stoptb.org/news/stories/2010/ns10\\_009.asp](http://www.stoptb.org/news/stories/2010/ns10_009.asp)>.

"Global Initiatives" (2011) Global Partnership to Stop TB < <http://www.stoptb.org/global/>>.

"Global Polio Eradication Initiative, April 2010" (2010) The World Health Organisation Regional Office for Africa <<http://www.afro.who.int/>> .

Global Polio Eradication Initiative "Infected Countries" (2010)  
<<http://www.polioeradication.org/Infectedcountries.aspx>>.

Goldin, Ian *Everybody's Business: Strengthening International Cooperation in a More Interdependent World* (2010) The Global Redesign Initiative Report: Managing and Mitigating Global Risks <[www.weforum.org/issues/global-redesign-initiative](http://www.weforum.org/issues/global-redesign-initiative)>.

"Health Related MDGs" (2010) World Health Organisation  
<<http://www.who.int/gho/mdg/en/index.html>> .

"Health Topics: Essential Medicines" (2011) World Health Organisation <  
[http://www.who.int/topics/essential\\_medicines/en/](http://www.who.int/topics/essential_medicines/en/)>.

“Infected Countries” (2010) Global Polio Eradication Initiative <  
<http://www.polioeradication.org/Infectedcountries.aspx>>.

International Federation of Red Cross and Red Crescent Societies “Health and Social Services” (2011) What we Do <<http://www.ifrc.org/en/what-we-do/health/>>.

“Land and Housing” (2011) UN HABITAT <<http://www.unhabitat.org/>>.

Ntah, Marcellin Ndong "Knowledge Product Action Reflection Note" (2004) UNDP Cameroon <<http://europeancis.undp.org/uploads/public/file>>.

“Nutrition for Mothers and Young Children” (2010) Partnership for Maternal, Newborn and Child Health (PMNCH) <  
<http://www.wfp.org/nutrition/>> .

“OECD Programme for International Student Assessment (PISA)” (2011) OECD <<http://www.pisa.oecd.org>>.

“Office of the Ombuds” (2010) Stanford University  
<<http://www.stanford.edu/dept/ombuds/>>.

Oxfam International “OI Policy Compendium Note on Humanitarian Coordination” (2008) Oxfam International Publications <<http://policy-practice.oxfam.org.uk/publications/humanitarian-coordination-114996>>.

“Polio and Prevention” (2010) Global Polio Eradication Initiative  
<<http://www.polioeradication.org/Polioandprevention.aspx>>.

“Programmes and Partnerships: Global Health Programme; What we Do” Bill and Melinda Gates Foundation (2011) <<http://www.gatesfoundation.org>>.

“Public-Private Infrastructure Advisory Facility” (2011) World Bank  
<[www.ppiaf.org](http://www.ppiaf.org)>.

“Public-Private Mix for TB Control” (2010) World Health Organisation <  
<http://www.who.int/tb/careproviders/ppm/about/en/index.html>>.

“Programmes” (2010) Doctors Without Borders  
<<http://www.doctorswithoutborders.org/aboutus/timeline.cfm?ref=main-menu>>.

Shirky, Clay “Half-Formed Thoughts on the Wikileaks Global Action” (2011) Shirky Web Blog <<http://www.shirky.com/weblog/2010/12/half-formed-thought-on-wikileaks-global-action/>>.

“Spearheading Partners” (2010) Global Polio Eradication Initiative  
<<http://www.polioeradication.org/Aboutus/Partners/>>.

“Supply and Procurement Strategy” (2011) The GAVI Alliance  
<[www.gavi.org](http://www.gavi.org)>.

“The Global Burden of Disease Project” (2010) The World Health Organisation, <<http://www.who.int/healthinfo/disease/about/en/index.html>>.

The MDG Achievement Fund “About Us” (2011) <<http://www.mdgfund.org>>.

The MDG Achievement Fund “Our Programmes” (2011)  
<<http://www.mdgfund.org>>.

The MDG Achievement Fund “News” (2011) <<http://www.mdgfund.org>>.

The Partnership for Maternal, Newborn and Child Health (PMNCH)  
“Academic and Researchers Statement (2010) World Health Organisation”  
<[http://www.who.int/pmnch/events/partners\\_forum/20101114\\_art\\_Statement.pdf](http://www.who.int/pmnch/events/partners_forum/20101114_art_Statement.pdf)> At November 06>.

The Partnership for Maternal, Newborn and Child Health (PMNCH), “Annex to the Partners Forum Report” (2010) World Health Organisation  
<[http://www.who.int/pmnch/activities/interventions/20100407\\_pa2meeting\\_annex\\_newtable.pdf](http://www.who.int/pmnch/activities/interventions/20100407_pa2meeting_annex_newtable.pdf)>.

The Partnership for Maternal, Newborn and Child Health (PMNCH) “New Global Consensus on Maternal, Newborn and Child Health to Save Over 10 Million Lives” (2009) World Health Organisation  
<[http://www.who.int/pmnch/media/press\\_materials/pr/2009/20090922\\_worldleadersconsensus/en/](http://www.who.int/pmnch/media/press_materials/pr/2009/20090922_worldleadersconsensus/en/)> .

The Partnership for Maternal, Newborn and Child Health (PMNCH) “Partners Forum” (2010) World Health Organisation  
<[http://www.who.int/pmnch/events/partners\\_forum/20101114\\_ngoStatement.pdf](http://www.who.int/pmnch/events/partners_forum/20101114_ngoStatement.pdf)> .

The Partnership for Maternal, Newborn and Child Health (PMNCH) “NGO Statement” (2010) World Health Organisation  
<[http://www.who.int/pmnch/events/partners\\_forum/20101114\\_ngoStatement.pdf](http://www.who.int/pmnch/events/partners_forum/20101114_ngoStatement.pdf)>.

*The Social Protection Floor: A Joint Crisis Initiative of the UN Chief Executives Board for Co-ordination on the Social Protection Floor* (2009)  
International Labour Office and World Health Organisation <  
<http://www.un.org/en/ga/second/64/socialprotection.pdf>>.

Thibault, Jean-Francois “As if the World Were a Virtual Global Polity: The Political Philosophy of Global governance” (2001) The Global Site <<http://www.theglobalsite.ac.uk/press/108thibault.htm>>.

“Tuning Educational Structures in Europe” (2004) The Tuning project <<http://tuning.unideusto.org/tuningeu/>>.

"Tuning Methodology" (2004) The Tuning Project <<http://tuning.unideusto.org>> .

UNAIDS “Access to Drugs: UNAIDS Technical Update” (1998) UNAIDS Best Practice Collection <[http://www.unaids.org/en/media/unaids/contentassets/dataimport/publications/irc-pub01/jc111-accesstodrugs-tu01\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/dataimport/publications/irc-pub01/jc111-accesstodrugs-tu01_en.pdf)>.

"UNDP Supports MDG-based National Development Strategies" (2010) UNDP Millennium Development Goals <<http://www.undp.org/mdg>>.

UN-ECOSOC Innovation Fair Database “The Global Fund to Fight Aids, Tuberculosis and Malaria” (2009) Office for ECOSOC Support and Coordination <<http://esango.un.org/innovationfair>>.

UN Millennium Project “Goals, Targets and Indicators” (2006). <<http://www.unmillenniumproject.org/goals/gti.htm>>.

United Nations Development Programme “Goal 1: Eradicate Extreme Poverty and Hunger” (2010) Millennium Development Goals <<http://www.undp.org/mdg/goal1.shtml>>.

UN Public Administration Programme (UNPAN) “Caribbean E-Government Services” Technical and Advisory Support Facility (2008-2010) <<http://www.unpan.org/tasf/>>.

UN Public Administration Network (UNPAN) “Governance for Results in Social Protection Policies” (2011) Public Documents <<http://unpan1.un.org/intradoc/groups/public/documents/un/unpan045336.pdf>>.

United Nations Programme on HIV/Aids, *Goals, United Nations Declarations and Resolutions on AIDS* (2010) United Nations <<http://www.unaids.org/en/AboutUNAIDS/Goals>>.

United Nations “Structure and Organisation” (2011) About UN <<http://www.un.org/en/aboutun/structure/>>.

UNDP “Government of Spain UNDP-MDG Achievement Fund (MDG F): Terms of Reference for the Thematic Window on Democratic Economic

Governance” (2007) Development Studies <  
<http://www.undp.org/developmentstudies/docs/> >.

UNEG's Working Group on Evaluation and Oversight *Evaluation in the UN System* (2010) United Nations Evaluation Group  
<[http://www.unodc.org/documents/commissions/WG-GOVandFiN/Evaluation\\_in\\_the\\_UN\\_system1.pdf](http://www.unodc.org/documents/commissions/WG-GOVandFiN/Evaluation_in_the_UN_system1.pdf) >.

“United Nations System” (2007) <[http://www.un.org/aboutun/chart\\_en.pdf](http://www.un.org/aboutun/chart_en.pdf)>.  
Vision (NZ) “World Vision and WFP: Partnering to Feed the World” (2009)  
<<https://worldvision.org.nz/waystogive/World-Food-Programme.aspx>>.

“Who We Are” (2011) The GAVI Alliance <  
<http://www.gavialliance.org/about>>.

World Bank Group “Other Resources” (2011) Private Participation in Infrastructure Projects Database <<http://ppi.worldbank.org/resources> >.

World Economic Forum *The Global Redesign Initiative Report* (2010)  
Global Redesign <[www.weforum.org/issues/global-redesign-initiative](http://www.weforum.org/issues/global-redesign-initiative)>.

World Health Organisation “Global Burden of Poliomyelitis in the Year 2000” (2000) Global Programme on Evidence for Health Policy <  
[http://www.who.int/healthinfo/statistics/bod\\_poliomyelitis.pdf](http://www.who.int/healthinfo/statistics/bod_poliomyelitis.pdf)>.

World Health Organisation “Noncommunicable Diseases Country Profile 2011” (2011) Noncommunicable Diseases and Mental Health <  
<http://www.who.int/nmh>>.

World Health Organisation “World Health Assembly Adopts New International Health Regulations” (2005) Media Centre  
<[http://www.who.int/mediacentre/news/releases/2005/pr\\_wha03/en/](http://www.who.int/mediacentre/news/releases/2005/pr_wha03/en/)>.

World Health Organisation “Pursue High-Quality DOTS Expansion and ” (2011) Tuberculosis < <http://www.who.int/tb/dots/en/>>.

World Food Programme “Cash and Vouchers” (2011) Our Work  
<<http://www.wfp.org/cash-and-vouchers>>.

World Food Programme “FAO Insists on Food as a Human Right: World Food Day Theme Seeks Renewed Commitment to the Right to Food” (October, 2007) News < <http://www.wfp.org/news/news-release/fao-insists-food-human-right-world-food-day-theme-seeks-renewed-commitment-right-food>>.

World Food Programme “Vouchers and Cash Transfers as Food Assistance Instruments: Opportunities and Challenges” (2011) Policy Planning and



Strategy Division <<http://docustore.wfp.org/stellent/groups/public/documents>>.

“World Health Assembly” (2010) World Health Organisation  
<<http://www.who.int/mediacentre/events/governance/wha/en/index.html>>.

World Health Organisation “Global Drug Facility” (2011) Stop TB Partnership <<http://www.stoptb.org/gdf/>>.

World Health Organisation “Global Drug Facility Releases Roadmap for Scale-Up of MDR-TB Treatment” (2011) Stop TB Partnership <<http://www.stoptb.org/gdf/>>.

World Health Organisation “Global Outbreak Alert and Response Network” (2011) Global Alert and Response (GAR) <<http://www.who.int/csr/outbreaknetwork/en/>>.

World Health Organisation Sudan Country Office “Secondary Health Care Experience in Emergencies – The Darfur Experience” (2009) World Health Organisation <<http://www.emro.who.int/sudan/Index.htm>>.

“World TB Day: Two Million People Die Each Year; Drug Resistance is Growing” (press release, 2000) Doctors Without Borders  
<<http://www.doctorswithoutborders.org/press/release.cfm?id=537>>.

### ***3.2 Lectures and Speeches***

Calhoun, Craig “Rethinking the Public Sphere” (lecture to the Ford Foundation, New York, 2005).

Chan, Margaret “The Increasing Importance of Global Health: Success, Shocks, Surprises, and Moral Vindication” (Address at the Chatham House event on the increasing importance of Global health in international affairs, London, 2011).

Clark, Helen “The Millennium Goals: Ten Years Down, Five to Go” (speech to the general public at the Christchurch Cathedral, Christchurch (New Zealand), 2010).

Lynn, Laurence “The Art of Governance in the 21st Century” (paper presented to the First Annual Herbert Simon Academy, Manchester, 2007).

Mansbridge, Jane “The Fallacy of Tightening the Reins” (Keynote Address to the Austrian Political Science Association, Vienna, 10 December 2004).

Suri, Navdeep “Outsourcing and Development” (paper presented at the United Nations Conference at Trade and Development, Geneva, 7-9 February 2005).

### 3.3 Miscellaneous

African American Policy Forum “Globalizing Affirmative Action: A Multinational Research and Development Workshop on Social Integration Discourses” (workshop convened at the Rockefeller Sfondrata Center in Bellagio, Italy, August 2007).

Brownlee, Shannon and Lenzer, Jeanne “The Truth About Tamiflu” (2009) *The Atlantic* <<http://www.theatlantic.com/magazine/archive/2009/12/the-truth-about-tamiflu/7801/>>.

Calderón, Felipe in World Economic Forum, *Global Governance Redesigned Panel Moderated by Fareed Zakaria*, Davos Annual Meeting (2010).

Editorial “The Global Fund; Replenishment and Redefinition in 2010” (2010) 375 *The Lancet* (London, March 13, 2010).

Ferreiro, E “La Internacionalización de la Evaluación de los Aprendizajes en la Educación Básica” [The internationalisation of basic education evaluation] (2006) 14 *La Educación Entre Líneas* (México).

Global Campaign for Education *on the Brink: Will the IMF's New Lease on Life Ease or Block Progress towards Education Goals?* (Report of the Global Campaign for Education, April 2009).

Heymann, David former Director of Communicable Diseases at the WHO “Foreword” in D Fidler “SARS, Governance and the Globalisation of Disease” (Palgrave Macmillan, New York, 2004).

Liebler, Claudia and Ferri, Marisa *NGO Networks; Building Capacity in a Changing World* (a study supported by Bureau for Democracy, Conflict and Humanitarian Assistance of the Office of Private and Voluntary Cooperation 2004) .

“Mohamed Amin, 53, Camera Eye During the Famine in Ethiopia” *World*, *The New York Times* (New York, 26 November 1996).

OECD “Joint OECD/UN/World Bank Global Forum on the Knowledge Economy: Integrating ICT in Development Programmes” (Conclusions of the 2003 Global Forum, Paris, 2003).

Rodriguez, A *Brazil Knowledge and Innovation for Competitiveness in Brazil* (A report to the International Bank for Reconstruction and Development and the World Bank, 2008).

Salla, Fernando “O Pisa Além do Ranking” [Pisa Beyond Ranking] (March 2011) 240 Revista Nova Escola.

Taylor, Ann and Bettcher, Douglas “WHO Framework Convention on Tobacco Control: a Global “Good” for Public Health” (2000) 78 Bulletin of the World Health Organisation.

UN SCOR “Security Council Presidential Statement Stresses Need to Consider Economic, Social as Well as Political Factors in Maintaining International Peace, Security” (press release, 6479th mtg, 2011).

UN Millennium Project *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals* (Overview Report, New York, 2005).

UN Department of Economic and Social Affairs Office for ECOSOC Support and Coordination *Achieving the Internationally Agreed Development Goals* (United Nations Publications, New York, 2005).

Upadhyay, H *Navsarijan Trust Schools Gujarat* (Visitation report, Gujarat, April 2007).

World Health Organisation “World Health Report Calls for Return to Primary Care Approach” (press release, 14 October 2008).

Zuma, GHE Jacob in World Economic Forum, *Global Governance Redesigned Panel Moderated by Fareed Zakaria*, Davos Annual Meeting (2010).

---